

subsection (a) of section 35, will effect the original intent of Congress.

Section 36: This section consolidates the tariff provisions relating to the free entry of American goods returned after having been exported. It eliminates the present requirement that to be entitled to free entry the goods must be imported by or for the account of the person who exported them. It extends the privilege of free return of containers of merchandise to new kinds of containers of foreign origin which have once paid duty. It provides that domestic products exported with benefit of drawback of duties paid on component materials or without payment of internal-revenue taxes may be returned under conditions no less favorable than those applicable at the time of importation to like articles of foreign origin. It extends the treatment now accorded articles exported to be repaired to articles exported to be altered.

Section 37: This section restates existing law relating to the free entry of articles not exceeding \$100 in value brought in by returning residents to conform with certain decisions of the courts; to facilitate the identification of merchandise entitled to free entry; and to require absence from the United States for not less than 48 hours before the privilege of free entry may be enjoyed. This section (under a Senate committee amendment) will also limit to 100 the importation of cigars by returning residents duty free under the \$100 exemption. This is comparable to the limitation in existing law that only 1 wine gallon of liquor can be brought in under the \$100 exemption.

Section 38: This section provides that the bill shall be effective 30 days after its enactment except as otherwise provided in the bill.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H. R. 8099) was read the third time and passed.

ORDER FOR EXECUTIVE SESSION ON TUESDAY NEXT

Mr. BARKLEY. Mr. President, earlier in the day the Senate agreed to vote on the Burlew nomination at 15 minutes after 12 o'clock noon on Tuesday next. In order that no time may be wasted during those 15 minutes, if any Senator wishes to discuss the nomination during that period, I ask unanimous consent that when the Senate meets on Tuesday it meet in executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONVEYANCE TO WILMINGTON, N. C., MARINE HOSPITAL RESERVATION

Mr. BARKLEY. Mr. President, I ask unanimous consent for immediate consideration of House bill 8654, which was today favorably reported by the Committee on Public Buildings and Grounds.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill (H. R. 8654) to amend the act entitled "An act authorizing the Secretary of the Treasury to convey to the city of Wilmington, N. C., Marine Hospital Reservation," being chapter 93, United States Statutes at Large, volume 42, part 1, page 1260, approved February 17, 1923, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That chapter 93, United States Statutes at Large, volume 42, part 1, page 1260, approved February 17, 1923, being an act authorizing the Secretary of the Treasury to convey to the city of Wilmington, N. C., Marine Hospital Reservation, be, and the same is hereby, amended by striking out the last 28 words thereof and inserting in lieu thereof the following, to wit: "198 feet south of the south line of Church Street."

CONVEYANCE TO BOARD OF EDUCATION OF NEW HANOVER COUNTY, N. C.

Mr. BARKLEY. Mr. President, I also ask unanimous consent for the immediate consideration of House bill 9418, a bill of similar nature to the one just passed.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky?

There being no objection, the bill (H. R. 9418) to amend an act entitled "An act authorizing the Secretary of the Treasury to convey to the Board of Education of New Hanover County, N. C., portion of marine-hospital reservation not needed for marine-hospital purposes", approved July 10, 1912 (37 Stat. 191), was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to amend the quitclaim deed which was executed by the Secretary of the Treasury under date of July 24, 1912, pursuant to the authority contained in an act entitled "An act authorizing the Secretary of the Treasury to convey to the Board of Education of New Hanover County, N. C., a portion of the marine-hospital reservation not needed for marine-hospital purposes", approved July 10, 1912 (37 Stat. 191), so as to provide, in lieu of the limitation that the land is to be "used exclusively for industrial-school purposes", that it may be used for any public purpose or purposes, and to provide that the title to said land revert to the United States of America if at any time the land or any building erected thereon shall cease to be used for a public purpose.

RECESS TO TUESDAY

Mr. BARKLEY. Mr. President, inasmuch as the consent of the Senate has already been secured for the Finance Committee and the Appropriations Committee to make reports during the recess, I simply wish to say that unless the Appropriations Committee reports by Tuesday or on Tuesday, there will be no other business, so far as I can foresee, on Tuesday, except the vote on the confirmation of Mr. Burlew. It is generally understood that the tax bill will not be taken up until Wednesday. So that if there is no appropriation bill ready for Tuesday there will be very little business to transact. It is hoped that the Interior Department bill will be ready, and also the War Department bill, in which event both of them may be disposed of on Tuesday, as I understand there is no controversy over either one of them.

With that announcement I move that the Senate take a recess until 12 o'clock noon on Tuesday next.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate took a recess until Tuesday, April 5, 1938, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 1 (legislative day of January 5) 1938

APPOINTMENTS TO TEMPORARY RANK IN THE AIR CORPS IN THE REGULAR ARMY

Kenneth Campbell McGregor to be major.
Roland Birnn to be major.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

Maj. Lester Smith Ostrander to Adjutant General's Department.

First Lt. William Lewis McCulla to Ordnance Department.
First Lt. Frederick Raleigh Young to Ordnance Department.

PROMOTION IN THE REGULAR ARMY

Edwin Forrest Carey to be major, Air Corps (temporary major, Air Corps).

POSTMASTERS

NORTH CAROLINA

T. Coleman Galloway, Brevard.
Berder B. Long, Cullowhee.
John W. Coleman, Greensboro.
Frederick R. Jones, Hayesville.
May Calvert, Jackson.
Paul Green, Thomasville.
William H. Stearns, Tryon.
Wilbur R. Doshier, Wilmington.

HOUSE OF REPRESENTATIVES

FRIDAY, APRIL 1, 1938

The House met at 12 o'clock noon.

Rev. Theodore Beck, chaplain of the American Legion, Williamsport, Pa., offered the following prayer:

Almighty God, our gracious Heavenly Father, we lift up our hearts in grateful recognition of Thy constant goodness unto us, Thy children.

Thou hast surrounded us with Thy providential care and made all things work together for good to those that love the Lord.

In this troubled, war-torn world, turned upside down with its antagonistic views and opinions, we are led more and more to Jesus Christ our Savior to seek comfort and strength.

With the heart of the world heavy and sad in its distress and storm, we turn confidently to the Master of the Galilean winds and waves.

We lift our voices in thanksgiving that Thou hast provided a haven of rest and refuge here in the United States where men and women are permitted to think their own way out.

We rejoice in this land of liberty and freedom with its right to worship God according to the dictates of our own conscience.

We are deeply thankful for the blessing and privilege of the initiative and individuality that has been handed down to us by the wisdom and courage of our fathers.

We are truly thankful for this great body of men and women electives of the people who in legislative, executive, and judicial departments of our Government have so ably and heroically addressed themselves to the stupendous task of safely guiding the Ship of State through the Scylla and Charybdis of present-day world affairs.

Be with us now. Our only hope is in Thee.

We ask Thee to bless, guide, strengthen, and inspire these great men of our Nation gathered here in our Capital City with the yearning eyes of the millions focused upon them. Never have heavier burdens been placed upon the shoulders of national leaders. God help them; they need Thee. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles:

H. R. 1355. An act for the relief of Lawrence E. Thomas;
H. R. 3657. An act for the relief of Albert Pina Afonso, a minor;

H. R. 3776. An act for the relief of T. T. East and the Cassidy Southwestern Commission Co., citizens of the State of Texas;

H. R. 4221. An act for the relief of John M. Fuller;
H. R. 4229. An act for the relief of Clifford Belcher;
H. R. 6061. An act for the relief of Mary Dougherty;
H. R. 6232. An act for the relief of Frank Christy and other disbursing agents in the Indian Service of the United States;
H. R. 6467. An act for the relief of the Portland Electric Power Co.;

H. R. 7676. An act for the relief of the Complete Machinery & Equipment Co., Inc., and others;

H. R. 8432. An act to provide for a flowage easement on certain ceded Chippewa Indian lands bordering Lake of the Woods, Warroad River, and Rainy River, Minn., and for other purposes;

H. R. 8885. An act for the benefit of the Goshute and other Indians, and for other purposes;

H. J. Res. 499. Joint resolution authorizing the erection of a memorial to the late Guglielmo Marconi; and

H. J. Res. 594. Joint resolution directing the Federal Trade Commission to investigate the policies employed by manufacturers in distributing motor vehicles, accessories, and parts, and the policies of dealers in selling motor vehicles at retail, as these policies affect the public interest.

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 2904. An act for the relief of officers and soldiers of the volunteer service of the United States mustered into service for the War with Spain and who were held in service in the Philippine Islands after the ratification of the treaty of peace, April 11, 1899;

H. R. 7104. An act for the relief of the estate of F. Gray Griswold;

H. R. 7448. An act to provide for experimental air-mail services to further develop safety, efficiency, and economy, and for other purposes; and

H. R. 7836. An act to amend the Agricultural Adjustment Act, as amended, by including hops as a commodity to which orders under such act are applicable.

The message also announced that the Senate had passed bills, a joint resolution, and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 589. An act prohibiting the operation of motor vehicles in interstate commerce by unlicensed operators;

S. 945. An act for the relief of the Community Investment Co., Inc.;

S. 1464. An act for the relief of Lena Sumter;

S. 2541. An act for the relief of the estate of George Ehret, Jr.;

S. 2777. An act for the benefit of the Goshute and other Indians, and for other purposes;

S. 2819. An act to create a Committee on Purchases of Blind-Made Products, and for other purposes;

S. 2825. An act to enable the Department of Agriculture to prevent the spread of pullorum and other diseases of poultry and to cooperate with official State agencies in the administration of the national poultry-improvement plan, and for other purposes;

S. 2833. An act conferring jurisdiction upon the Court of Claims to rehear and enter judgment upon the claim of Cohen, Goldman & Co., Inc.;

S. 2933. An act to admit Mrs. Henry Francis Parks permanently to the United States;

S. 2946. An act to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes," approved March 3, 1909, as amended, so as to extend commissary privileges to civilian officers and employees of the United States at naval stations beyond the continental limits of the United States or in Alaska;

S. 2967. An act authorizing the Comptroller General to settle and adjust the claim of Tiffany Construction Co.;

S. 3005. An act to confer jurisdiction on the Court of Claims to hear and determine the claim of the A. C. Messler Co.;

S. 3105. An act to amend the Commodity Exchange Act, as amended, to extend its provisions to wool tops;

S. 3174. An act to provide that crops needed for seeding purposes shall be released from the liens required by the act providing for crop loans for the year 1937;

S. 3188. An act for the relief of the Ouachita National Bank, of Monroe, La.; the Milner-Fuller, Inc., Monroe, La.; estate of John C. Bass, of Lake Providence, La.; Richard Bell, of Lake Providence, La.; and Mrs. Cluren Surles, of Lake Providence, La.;

S. 3255. An act to provide for the establishment of a mechanism of regulation among over-the-counter brokers and dealers operating in interstate and foreign commerce or through the mails, to prevent acts and practices inconsistent with just and equitable principles of trade, and for other purposes;

S. 3290. An act to impose additional duties upon the United States Public Health Service in connection with the investigation and control of the venereal diseases;

S. 3319. An act to authorize certain payments to the Veterans of Foreign Wars of the United States, Inc., and to the Disabled American Veterans of the World War, Inc.;

S. 3379. An act for the relief of Arthur T. Miller;

S. 3525. An act to amend the act entitled "An act to extend the benefits of the Civil Service Retirement Act of May 29, 1930, as amended, to certain employees in the legislative and judicial branches of the Government", approved July 13, 1937;

S. 3526. An act to provide for reimbursing certain railroads for sums paid into the Treasury of the United States under an unconstitutional act of Congress;

S. J. Res. 205. Joint resolution providing for adjustment payments and loans to cotton producers with respect to cotton produced in 1937; and

S. Con. Res. 28. Concurrent resolution authorizing the Special Committee to Investigate Unemployment and Relief, United States Senate, to have printed for its use additional copies of the hearings on the resolution (S. Res. 36) creating a Special Committee to Investigate Unemployment and Relief.

EXTENSION OF REMARKS

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing an address I delivered last Monday in Boston before a group of certified public accountants.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. DIRKSEN asked and was given permission to revise and extend his own remarks in the Record.

PERMISSION TO ADDRESS THE HOUSE

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SCOTT. Mr. Speaker, on the 29th of March the gentleman from Michigan, in answer to remarks I had made on the floor asking for an investigation of the District Medical Society and American Medical Association, said that he would like to include an investigation of the Group Health Association. That is perfectly all right with me, but he said at the same time that this was purely a local issue. In answer to that, Mr. Speaker, I wish to read this statement, after carefully considering the implications of it.

Mr. Speaker, I have it on good authority that the President of one of the leading universities has sent word to a Member of the United States Senate that, in his judgment, our move to investigate the affairs of the American Medical Association should be pushed through as rapidly as possible.

This university president states that due to the domination by a small group of doctors controlling medical educational institutions and the hospitals connected with such institutions, important progress in the training of medical practitioners is being constantly obstructed. In the judgment of this university head, freedom of action on the part of university executives and university trustees is being hampered and in some cases actually denied by the same dominant group of physicians who are obstructing the growth of cooperative health groups.

In the course of his address to the House yesterday afternoon, my colleague from Michigan spoke in defense of the Medical Society of the District of Columbia in its controversy with Group Health Association, Inc., and urged that the investigation proposed by resolution, which I submitted to the House on Monday and which he favored, be extended to include an investigation of Group Health Association.

I am of the opinion that it is wise and desirable to include in our investigation the activities of the Group Health Association, because it is inconceivable to me that we shall get to the bottom of this controversy without a careful examination of the Group Health Association and its efforts to serve its members by enlisting the cooperation of members of the District Medical Society and of the trustees and medical staffs of our local hospitals.

My colleague and the other Members of the House will be interested, in this connection, to have attention called to the letter of Congressman JED JOHNSON to the Chairman of the Federal Home Loan Bank Board, under date of February 2, 1938, and the reply of the Chairman to my colleague from Oklahoma, under date of February 15, 1938. Copies of both letters were referred to by the Congressman from Oklahoma in his remarks before the House on Wednesday, February

15, 1938, and both letters appear in full in the CONGRESSIONAL RECORD of that date. In his letter, to which I refer, the Chairman of the Federal Home Loan Bank Board stated:

We welcome full investigation of the matter by Congress and believe that development of the facts by such an inquiry would serve a most useful public purpose.

From others who are interested in and identified with the Group Health Association, it is evident that they, too, welcome a full and complete investigation of the Group Health Association and that we shall have the hearty cooperation of the Group Health Association in bringing to the attention of Congress the facts in which it is interested.

Those of you who are interested in the problems of medical care will recall that the President, by Executive order on October 27, 1936, created an Interdepartmental Committee to Coordinate Health and Welfare Activities of the Federal Government. He named a committee of five, consisting of Miss Josephine Roche, Assistant Secretary of the Treasury, as chairman; Arthur J. Altmeyer, member of the Social Security Board; Oscar L. Chapman, Assistant Secretary of the Interior; Milburn L. Wilson, Assistant Secretary of Agriculture; and Edward F. McGrady, Assistant Secretary of Labor. That Committee was charged by the President:

1. To continue to sponsor appropriate cooperative working agreements among the various agencies of the Government in the health and welfare field, and to continue the work under agreements already in effect; and

2. To study and make recommendations concerning specific aspects of the health and welfare activities of the Government looking toward a more nearly complete coordination of the activities of the Government in these fields.

A few weeks ago this Committee, through its technical committee on medical care, published its first report, from which I quote:

The Committee calls attention to the fact that illness precipitates large costs and enormous economic burdens, and that sickness is among the most important causes of economic and social insecurity. Sickness strikes at the basis of national vitality; the good health of the population is vital to national vigor and well-being. The accomplishments of the past in health conservation are therefore secondary to the needs of the present and of the future. While great advances have already been made, enormous needs still prevail. The amount of preventable sickness and disability which continues, the volume of unattended disease, the rate of premature mortality, and the prevalence of avoidable economic burdens created by sickness costs justify grave concern.

Do the methods of public health and medical science offer no hope of further reducing the national burdens of illness? On the contrary, the Committee finds that the essential lack consists not in inadequate knowledge but in inadequate funds. Indeed, at some points, the resources exceed the need, but they are used to less than capacity, while people in need go without service. There are economic barriers between those in need of service and those prepared and equipped to furnish service. The essential inadequacy in respect to health services is not in our capacity to produce but in our capacity to distribute. The greater use of preventive and curative services which modern medicine has made available wait on the purchasing power rather than on the need of community or individual.

As a nation, we are doing vastly less to prevent suffering and to conserve health and vitality than we know how to do through tried and tested methods. The committee is convinced that current activities are inadequate to assure the population of the United States such health of body and mind as they can and should have.

When, here in Washington, such an agency as Group Health Association is developed out of the mutual demand and cooperative activity of Federal employees, why is it opposed by local physicians? We ought to have the clear, basic answer to that question.

The gentleman from Michigan stated yesterday on the floor of the House that he regarded the controversy between Group Health Association and the Medical Society of the District of Columbia "as a purely local matter." From information supplied to the House within the past 2 weeks, it must be clear that the matter is not purely local but is part of a studied design of the American Medical Association, Medical Society of the District of Columbia, and numerous State and local societies acting in cooperation with the American Medical Association to eliminate and destroy the group health type of practice wherever it makes its appearance. I reported to you on Monday that a group of physi-

cians in Milwaukee, Wis., who were serving as doctors for the Milwaukee Medical Center were in serious difficulties because of the attack of their local medical society and the American Medical Association. This group of physicians have had the finest reputation in their community and have been members of the staffs of the leading hospitals of the city. When they undertook to supply medical care to the people of the city on an organized prepayment basis, they were expelled from their local medical society. I reported to you that they had appealed to the American Medical Society and were given a hearing before its judiciary council in June 1937, but that the council never announced any decision. Since I spoke to you about this case on Monday, I have been informed that the judicial council of the American Medical Association has finally announced its decision and has ruled that the group of doctors serving the Wisconsin Medical Center are violating the code of ethics of the American Medical Association and must, therefore, be expelled. It is understood that following their expulsion an effort will be made to remove them also from the medical staffs of the hospitals of Milwaukee in which they have served with great distinction and efficiency.

So that you may have additional facts concerning the conduct of a medical society, whose attitude I have not yet presented, may I submit copy of a statement by Mr. J. D. Strawn, secretary of the National Health Service Association of Cleveland, Ohio, in a letter to the Group Health Association under date of March 25? This is typical of many experiences in other parts of the country. I quote:

The National Health Service Association was organized in February of 1935 by Mr. George B. Durell, chairman of the board of the American Fork & Hoe Co. In addition to founding and financing it then, he has continued to finance the association and give generously of his time for the many problems. The principal problem being the reluctance of organized medicine to admit the urgent need of some plan to safeguard themselves and their profession from the overwhelming wave of criticism resulting from their inadequate style of performance.

The doctors as individuals and their association, the American Medical Association, are fully aware of the need for some adjustment, but they are unwilling to take the necessary step and are very emphatic in stating that no one else shall do it; therefore, we, the National Health Service Association, a corporation formed under the laws of the State of Ohio, not for profit, and providing medical, surgical, and hospitalization service to the public for \$1 per month per individual, are being criticized to considerable extent by forces outside our organization but engaged in the same performance, viz, the doctors of organized medicine through their affiliation nationally with the American Medical Association, and locally, the Cleveland Academy of Medicine.

Recently the academy of medicine has seen fit to recognize our performance indirectly. This indirect manner has been in the form of requests to our doctor members to sever their connections with this association. Its claim is that we violate the ethics of the medical profession inasmuch as we interfere with the free choice of physicians by our subscribers and that a lay group directs the affairs of the association. The academy claims that such an arrangement as we have is illogical, inconsistent where the best interest of the patient is concerned, and that it is not a feasible plan. We claim that it is logical and provides adequate medical service, and our past experience is an outstanding example that it is the most feasible plan in existence.

Four of our doctors, members of the academy, are being requested to sever their connections. These men are all connected with organized medicine and are thoroughly in accord with the performance they are rendering for the association. But because of the strong pressure brought to bear by the academy and the unwarranted coercion by certain academy members, they are reluctant to show a sufficient amount of resistance to maintain the necessary fortitude with us in presenting our defense to the academy.

Each and all of these men has, and always has had, the most profound regard for the high ideals and ethics of the profession, and each has and each will adhere to those ideals in his performance with us. We assert, and by reason of our own experience know it to be a fact, that the furnishing of medical service to the members of the National Health Service Association has been accomplished in the highest ethical manner and so as to not conflict with the code of ethics of the medical profession. We are willing and have at all times been willing to disclose to the medical profession through the Cleveland academy the result of our work and the feasibility and propriety of performing a medical service in conformity with the plan we have adopted. We have, without avail, endeavored to enlist the aid and cooperation of the academy in order that our type of practice, for which there is, in our firm conviction, a crying need, may not be attended by undue evils; and to that end, on the 18th day of June 1936, the manager of this association contacted by telephone Dr. Robert Dinsmore,

president of the academy of medicine. The manager explained to Dr. Dinsmore that he would like the favor of a meeting in order that Dr. Dinsmore might be fully informed, and officially so, of the performance of this association, and that they no longer be required to satisfy themselves with information concerning us by way of gossip.

Dr. Dinsmore extended a very gracious and kindly spirit toward such an approach, and said, "I think your idea is very fine, and I will be glad to see you on Monday morning next week at 9:30, at which time I will not be occupied with other duties and we can have plenty of time undisturbed for the discussion."

The manager called in person at Dr. Dinsmore's office at the Cleveland clinic at 9:30 Monday morning. He waited until 11:30 and left without having seen Dr. Dinsmore. He heard the telephone operator inform Dr. Dinsmore that he was waiting, but received no excuse and was offered no explanation as to why the appointment was so rudely ignored. It is now 10 months since this affair, and there has yet been no offer of explanation for the discourtesy. As the manager had telephoned Dr. Dinsmore for the appointment, and before the Monday following when he visited the doctor's office, he wrote a detailed letter explaining who we were and what we did, in order that Dr. Dinsmore might have substantial facts before him and that it might save time in the coming conference. The receipt of this letter has never been acknowledged, and we make bold to assert that had Dr. Dinsmore, or the academy of medicine, at the time of the receipt of this letter taken sufficient courteous recognition of our gesture to them, they could have at least appointed a committee for the supervision of such work.

It has at all times been and still is, the desire of our association to work in a cooperative manner and as a part of organized medicine, and to apprise organized medicine of any and all of the facts concerning the form of practice engaged in by us. We stand ready, willing, and anxious to expose all of our books and records, and all of the data and information which we have gathered by reason of our several years of experience in furnishing a medical service to groups of small wage earners, who are members of our association, in order that a full and complete, and an unimpassioned study may be made, and a firm, abiding solution may be had of the vital problems facing, not only the medical profession, but the public as well.

The problem presented in this appeal is one which has long gone begging for a solution, and the action against our doctors by the academy of medicine, can form no part of an acceptable answer. Further, it will be difficult indeed to persuade reasonable men that the members of our association are not as much entitled to the benefits provided by us as are the employees of railroads and various industrial organizations.

The discussion of the needs of the small wage earners having adequate medical service at a rate they can afford to pay is hardly necessary, as so much has been written and spoken on that subject during recent years. We know it to be a fact that the subscribers to our service, because of their low wage scale, would not be able to provide for themselves medical attention for minor ailments and incipient conditions, and that negligence of these minor ailments might result in more serious conditions had they not used the service available to them.

It is the sincerest belief of the association that this form of preventive medicine is of far more value to the public than is the fact that there are available in the city of Cleveland some 2,000 doctors ready and willing to take these cases in the event they should choose to go to a doctor. The fact remains that a substantial percentage of these same doctors of Cleveland are not now making a sufficient living for them to be able to provide intelligent and competent advice to the patient if he did go to them. These subscribers have at their services through membership in our association the combined knowledge and performance of all our doctors, and we are sincere in our statement that they will be provided more competent medical and surgical advice than they would ever receive should they go to any one doctor in the city of Cleveland.

We, the National Health Service Association, very deeply regret this unfortunate controversy. It is not of our seeking, nor do we feel that we are violating the principle of ethics of the medical profession. We are well aware of the grave necessity for the form of practice which we are pursuing, and are also aware of the necessity that this practice be recognized by organized medicine. Organized medicine should also be sensitive to the demand for such performance. Thoughtful medical men and the public at large are aware of the necessity for an ethical and adequate plan to meet with the requirements of patients who are unable to pay the regular fees. These same people can pay a nominal sum and budget their payments over a period of time, and it is our members' desire to assist themselves in this manner, and not become wards of charity for their medical needs. We hope we may be pardoned for saying that we have thus far made great strides to assist the medical profession in solving this Nation-wide problem.

We believe that organizations of our type, handling pay patients on a periodical-pay plan, should be philanthropic and supervised by organized medicine for the following reasons: To safeguard the public in the furnishing of proper and adequate attention; to safeguard the medical profession at large against the unfair criticism which is now so prevalent due to the present plan the doctors have for basing their rate of pay, viz, ability of patients

to pay, or, in other words, basing a doctor's compensation upon the amount of income the patient has.

We know through our experience with this class of practice that there is an actual need for this form of medical service, and because of the need this form of medical service is here to stay, and there will be much expansion along this line. If this form of work can be fully recognized and properly guided by the medical profession, a great good can accrue, not only to that particular class of low-salaried people which is in need of service but also for the medical profession itself. It is possible to adequately pay doctors for work with this class of patients, where at the present time so many of the profession are carrying the burden of this service on their own financial shoulders. We further feel that by recognizing and approving of this form of work, we are making great strides forward in preventive medicine and can entirely put to rout those unethical doctors as well as the true quacks.

From this letter and other evidence which I have submitted in the course of my remarks during the past week, it must be clear that the controversy between Group Health Association and the Medical Society of the District of Columbia is not purely local. As a matter of fact, it extends throughout the United States. It involves the health and the economic welfare of a large number of our citizens. It involves the ethical conduct of a group of physicians who are in temporary control of local, State, and National medical associations. It involves the humane treatment of the sick, the possibilities of a more intelligent approach to the problems of health, not only through prepayment of medical expenses but through a more intelligent practice of preventive medicine. It involves our social progress and the welfare of millions of our citizens who in spite of the resources of the medical profession are still inadequately served. It involves as a matter of public policy the determination of the right of licensed physicians who are not members of the American Medical Association or its branches to enjoy the facilities of hospitals and the right to serve those who desire to employ them without ruinous interference and domination. It involves the decision as to whether the accumulated experience of the ages and the resources of our medical universities, hospitals, and endowed institutions are to be made more fully available to our citizens by methods of their choice and within their financial means.

Mr. GRAY of Indiana. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

ANNOUNCEMENT OF FINLY H. GRAY'S RADIO ADDRESSES TO MEMBERS OF CONGRESS ON THE 1937 DEPRESSION

Mr. GRAY of Indiana. Mr. Speaker, in these near-closing days of Congress, when time is the essence of proceedings, I am taking advantage of the radio facilities to call attention and advise you respecting a certain particular measure of legislation which I consider of most vital importance.

I refer to a remedial measure and for relief from this and the 1929 depression. And for the purpose of making available such additional time and opportunity I am delivering a series of addresses from WOL radio station, Washington, D. C., speaking every Saturday evening at 9 p. m.

I am speaking on the cause and the remedy of panics and depressions in general, but more especially on the cause and a remedy for this and the 1929 panic. And I invite you to listen and hear me tomorrow, Saturday evening, at 9 o'clock, when I will speak on the particular phase, Where Industry First Fails When Panics or Depressions Come.

On the failure of the Hoover administration and Congress, after 3 years of blundering and doing nothing to remedy and relieve from the 1929 panic, and without restoring employment to the people, or the semblance of prosperity to the country, this administration and Congress was called and commissioned to restore normal conditions.

Now, after 6 years of borrowing and spending and piling up of a \$15,000,000,000 debt, we are not only still in the shadows of the same Hoover 1929 panic, but we are writhing in the throes of another, this 1937 depression. And the combined evils of two depressions are now affecting the people of the country.

We now have a panic merger—the Hoover 1929 panic merged with this 1937 relapse or depression and with a merger of responsibility. The Hoover administration and this Congress are both equally and criminally responsible for allowing these two depressions to come.

But while two Congresses are responsible for these two blights upon Nature's bounty, only one, this Congress in power, is now responsible for their continuance. And this Congress will be justly and deservedly charged and held responsible to account by the suffering people of the country.

If this Congress is not already conscious of the responsibility for the continuance of these panics, it will soon be made fully conscious of this duty, obligation, and responsibility, resting collectively on this Congress as a body and upon every majority Member individually for the prompt relief from this depression.

If the Members of Congress today are so engrossed in Belshazzar's feast that they cannot see the handwriting on the wall they will see it tomorrow standing out in living, human letters, and bold relief, in chaos, turmoil, and disorder, menacing and threatening our form of government and our institutions of peace and civil life.

There was nothing done by the Hoover Congress to remedy and relieve from the 1929 panic and that Congress was deservedly retired from power and there has nothing more been done by this Congress than the Hoover Congress to bring about permanent and lasting relief, or more than a temporary respite at great sacrifice and cost of treasure.

In figurative language or speaking, we have been borrowing water to prime a pump in a dry well and we have lost our prime water without getting back any new water. What we want to do and what we should do is to replenish the water supply in the well and stop borrowing and pump priming.

There is a reason and a cause for this, as well as other panics, which can be analyzed and explained. And, I propose to explain the cause and to show that after these causes have operated, this and the 1929 panic was as sure to come as night is sure to follow the day.

This panic was caused by men. It is within the comprehension of men, can be analyzed and solved by men, can be remedied and relieved by men. To say panics and depressions are mysteries is a maneuver, an artful gesture to evade responsibility to the people, or is a cowardly mental retreat.

And there is a remedy, a relief for every human evil, abuse, and affliction. And there is a remedy for these depressions in rational means and methods. And this remedy can be promptly provided and put in force and operation and administered before the adjournment of this Congress.

And we do not require a new law to do it nor any new means or facilities to do it. We do not have to create or provide a single new office or public official nor any new office or different form of currency to provide full, adequate relief from this and the 1929 depression.

And to provide such full, adequate relief we do not have to kill a single pig, we do not have to disembowel a single mother swine, we do not have to slaughter a single dairy cow, nor plow up a single acre of wheat or cotton, and we do not have to borrow and pile up a \$15,000,000,000 debt to do it.

With this depression growing more severe and unemployment increasing from day to day and threatening to equal the 1929 panic, it will be criminal neglect of public duty for this Congress to recess or adjourn before providing some adequate measure to relieve from and remedy these depressions. [Applause.]

Mr. STACK. Mr. Speaker, I ask unanimous consent to proceed for 1 minute to make an observation.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. STACK. Mr. Speaker, I want to remind the distinguished Speaker, for whom I have a high personal regard and a lot of respect, that today is April Fool's Day. Maybe it is my birthday, but I do not want the Congress of the

United States made a fool of by railroading this reorganization bill through. [Laughter and applause.]

STATE, JUSTICE, COMMERCE, AND LABOR APPROPRIATION BILL, 1939

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9544) making appropriations for the Departments of State and Justice, and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1939, and for other purposes, with Senate amendments, disagree to the Senate amendments, agree to the conference asked by the Senate, and that the Speaker appoint conferees.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. McMILLAN, TARVER, McANDREWS, RABAUT, CALDWELL, BACON, and CARTER.

EXTENSION OF REMARKS

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to print in the RECORD a letter I wrote to the Secretary of the Treasury and his reply thereto.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BEITER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein certain letters and telegrams.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MOSER of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a speech delivered by the Honorable Champ Clark in 1916.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I rise at this time to remind the House that this is the 1st day of April. I wish to thank the Speaker and the Members of the House for the passage of a resolution I introduced requesting the President to declare the month of April cancer-control month.

Mr. Speaker, I am sure the House will continue its good work with reference to the spread of information concerning cancer and its prevention. I know the members of the press will join with us in the self-dedicatory effort to stamp out this curse on humanity. It is estimated by the Cancer Control Council, and various authorities on the subject, that 50 percent of the deaths that have occurred from cancer could have been prevented had this educational campaign been started earlier. [Applause.]

[Here the gavel fell.]

Mr. BARTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BARTON. Mr. Speaker, one of the first lessons I learned in advertising was taught me by the head of a great concern manufacturing radiators. He said to me, "Never advertise that our radiators don't leak. I do not want the word 'leak' or the idea of leaking to be associated in the public mind with our product in any way."

Mr. Speaker, night before last a certain gentleman got up in the middle of the night to associate with his name the

words "dictator" and "dictatorship," thereby putting those words into the minds of 130,000,000 people, many of whom may never have thought of them before.

I do not know much about political strategy, but I do know that his national advertisement of the idea of dictatorship, like his use of the word "purchase" and his use of the word "feudalism," was bad advertising practice. [Laughter and applause.]

[Here the gavel fell.]

GOVERNMENT REORGANIZATION

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the debate on the reorganization bill be concluded today; that the first hour be allotted to the gentleman from Massachusetts [Mr. GIFFORD] in order to even up the debate between the majority and minority side; further, that the debate be limited to 5 hours; that of the 4 hours remaining after the gentleman from Massachusetts [Mr. GIFFORD] has concluded, 2 hours be controlled by myself and 2 hours be controlled by the gentleman from New York [Mr. TABER], minority member of the committee.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. SWEENEY. Mr. Speaker, I object.

Mr. TABER. Mr. Speaker, will the gentleman withhold his objection a moment?

Mr. SWEENEY. I reserve it.

Mr. O'CONNOR of New York. Mr. Speaker, reserving the right to object, at the close of the session yesterday I understood the plan was that the gentleman from Massachusetts [Mr. GIFFORD] would be recognized for the first hour, the gentleman from Kentucky [Mr. FRED M. VINSON] was to be recognized the second hour, and I was given some assurances I would be recognized the third hour. It will take me an hour, I may say to the gentleman.

Mr. COCHRAN. Mr. Speaker, may I say to the gentleman from New York [Mr. O'CONNOR] I certainly could not yield him 1 hour. I would be perfectly willing to yield to him a reasonable time in keeping with what other Members have had. I think the gentleman from New York always makes a stronger speech when he makes a short speech than when he makes a long one.

Mr. O'CONNOR of New York. Perhaps I would not use the hour, but I have requests from Members to speak. As I said yesterday, this general debate justifies 3 or 4 days and that is probably what the Rules Committee would have fixed, as it has provided 16 hours general debate on many bills brought in here for consideration. If I were the gentleman I would not attempt to shut off general debate on this bill, and I would stop all attempts to try to jam this through before next week.

Mr. COCHRAN. I may say to the gentleman from New York I propounded this unanimous-consent request with the approval of the minority members of the committee.

Mr. TABER. Mr. Speaker, reserving the right to object to make a statement, out of the 2 hours assigned to me I shall try and allot a very considerable proportion of that time to gentlemen on that side of the aisle who are opposed to this bill.

Mr. MAY. Mr. Speaker, reserving the right to object for the purpose of propounding an inquiry of the chairman of the select committee, when these periods of time are allotted to the gentleman from Kentucky [Mr. VINSON], the gentleman from New York [Mr. O'CONNOR], and the gentleman from Massachusetts [Mr. GIFFORD], is it proposed that they consume the entire hour each, or do they propose to yield some of that time to other Members?

Mr. COCHRAN. No one has as yet consumed an hour, and I do not know that any Member will take an hour.

Mr. SWEENEY. Mr. Speaker, reserving the right to object, as the chairman of the Rules Committee has just stated, there should be full and extensive debate on this important measure. The Senate consumed 30 days on the antilynching bill. Now, the House is always the goat when it comes to a limitation of time.

This measure has excited the country more than any other piece of legislation in the last decade, and the gentleman knows that. Because of that, and because I believe we should have full and extensive debate lasting for a week or a month, if necessary, I object, Mr. Speaker.

Mr. COCHRAN. Mr. Speaker, I want to be entirely fair. I will propound another unanimous-consent request.

Mr. Speaker, I ask unanimous consent that general debate on this bill close today, that the first hour of debate be controlled by the gentleman from Massachusetts [Mr. GIFFORD] in order to even up the time, that the balance of the time be equally divided and controlled by the gentleman from New York [Mr. TABER] and myself, and that the debate be confined to the bill.

Mr. SWEENEY. I object, Mr. Speaker.

Mr. COCHRAN. Mr. Speaker, I move that general debate on this bill close tonight, that the first hour of debate be controlled by the gentleman from Massachusetts [Mr. GIFFORD], that the balance of the time be equally divided and controlled by the gentleman from New York [Mr. TABER] and myself, and that debate be confined to the bill.

Mr. O'CONNOR of New York. Mr. Speaker, I ask recognition on that motion.

Mr. MAPES. Mr. Speaker, a point of order.

Mr. COCHRAN. Mr. Speaker, I move the previous question.

Mr. O'CONNOR of New York. Mr. Speaker, I asked recognition before the previous question was moved.

The SPEAKER. The gentleman from Michigan makes a point of order, which the gentleman will state.

Mr. MAPES. Mr. Speaker, my understanding is that the motion is not in order until after the gentleman from Missouri has moved to go into the Committee of the Whole.

The SPEAKER. The Chair is of the opinion that the point of order made by the gentleman from Michigan is well taken. If the gentleman from Missouri moves to go into the Committee of the Whole, pending that motion the gentleman can then move to limit debate.

Mr. COCHRAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 3331) to provide for reorganizing agencies of the Government, extending the classified civil service, establishing a general auditing office and a department of welfare, and for other purposes.

CALL OF THE HOUSE

Mr. SWEENEY. Mr. Speaker, I make the point of order a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] One hundred and seventy-three Members are present, not a quorum.

Mr. COCHRAN. Mr. Speaker, I move a call of the House. A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 49]

Allen, La.	Ditter	Kramer	Shannon
Barden	Doughton	Long	Short
Beam	Douglas	Lucas	Smith, Maine
Biermann	Drewry, Va.	McGroarty	Smith, Okla.
Bland	Duncan	McKeough	Somers, N. Y.
Boehne	Fish	McLean	Sparkman
Boykin	Flannagan	McSweeney	Steagall
Boylan, N. Y.	Frey, Pa.	Maverick	Sutphin
Brewster	Gasque	Mitchell, Tenn.	Taylor, Colo.
Buckley, N. Y.	Gilchrist	O'Connor, Mont.	Taylor, Tenn.
Caldwell	Green	O'Leary	Teigan
Cartwright	Hancock, N. C.	O'Neal, Ky.	Vinson, Ga.
Casey, Mass.	Harter	Oliver	Wearin
Champion	Hennings	Patrick	Weaver
Colden	Hook	Randolph	White, Idaho
Cole, Md.	Jarman	Rankin	Wilcox
Crowther	Jenckes, Ind.	Sabath	Wood
Deen	Kelly, Ill.	Sadowski	Zimmerman
Dickstein	Kocialkowski	Schuetz	

The SPEAKER. Three hundred and fifty-four Members have answered to their names, a quorum.

Further proceedings under the call were dispensed with.

GOVERNMENT REORGANIZATION

Mr. COCHRAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3331.

The SPEAKER. The question is on the motion of the gentleman from Missouri [Mr. COCHRAN].

Mr. RABAUT. Mr. Speaker, on that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 207, nays 139, not voting 83, as follows:

[Roll No. 50]

YEAS—207

Aleshire	Evans	Kopplemann	Rayburn
Allen, Del.	Farley	Lambeth	Reilly
Amie	Ferguson	Lanzetta	Richards
Anderson, Mo.	Fernandez	Larrabee	Robertson
Arnold	Fitzgerald	Lea	Robinson, Utah
Atkinson	Fitzpatrick	Lesinski	Rogers, Okla.
Barden	Flaherty	Lewis, Colo.	Romjue
Barry	Flannery	Ludlow	Sacks
Bernard	Fletcher	Luecke, Mich.	Sanders
Bloom	Forand	McAndrews	Satterfield
Boland, Pa.	Ford, Calif.	McCormack	Schaefer, Ill.
Boren	Ford, Miss.	McFarlane	Schulte
Boyer	Fuller	McGehee	Scott
Bradley	Fulmer	McGranery	Secrest
Brooks	Garrett	McGrath	Shanley
Brown	Gavagan	McMillan	Sheppard
Buck	Gildea	McReynolds	Sirovich
Bulwinkle	Gingery	Magnuson	Smith, Va.
Byrne	Goldsborough	Mahon, S. C.	Smith, Wash.
Cannon, Mo.	Gray, Ind.	Mahon, Tex.	Smith, W. Va.
Cannon, Wis.	Greenwood	Maloney	Snyder, Pa.
Casey, Mass.	Gregory	Mansfield	Somers, N. Y.
Celler	Griffith	Martin, Colo.	South
Chandler	Haines	Massingale	Summers, Tex.
Citron	Hamilton	Mead	Sutphin
Clark, N. C.	Harlan	Merritt	Swope
Claypool	Harrington	Mills	Tarver
Cochran	Hart	Mitchell, Ill.	Taylor, Colo.
Collins	Havenner	Mouton	Taylor, S. C.
Colmer	Healey	Murdock, Utah	Terry
Connelly	Hendricks	Nelson	Thom
Cooley	Hildebrandt	Nichols	Thomas, Tex.
Cooper	Hill	Norton	Thomason, Tex.
Cravens	Hobbs	O'Brien, Ill.	Thompson, Ill.
Creal	Honeyman	O'Brien, Mich.	Tolan
Crosser	Houston	O'Connell, Mont.	Transue
Crowe	Izac	O'Connell, R. I.	Turner
Cullen	Jacobsen	O'Day	Umstead
Cummings	Johnson, Luther A.	O'Malley	Vincent, B. M.
Curley	Johnson, Lyndon	O'Neill, N. J.	Vinson, Fred M.
Daly	Johnson, Okla.	O'Toole	Voorhis
Delaney	Johnson, W. Va.	Owen	Wallgren
DeMuth	Jones	Pace	Walter
DeRouen	Kee	Patman	Warren
Dies	Keller	Patterson	Wearin
Dingell	Kelly, N. Y.	Pearson	Wene
Disney	Kennedy, N. Y.	Peterson, Fla.	West
Dockweiler	Keogh	Peterson, Ga.	Whelchel
Dorsey	Kerr	Pierce	Whittington
Doxey	Kirwan	Poage	Williams
Dunn	Kitchens	Quinn	Woodrum
Eicher	Kniffin	Ramsay	

NAYS—139

Allen, Ill.	Culkin	Hoffman	Meeks
Allen, Pa.	Dempsey	Holmes	Michener
Andresen, Minn.	Dirksen	Hope	Moser, Pa.
Andrews	Ditter	Hull	Mosler, Ohio
Arends	Dondero	Hunter	Mott
Ashbrook	Dowell	Imhoff	O'Connor, N. Y.
Bacon	Drew, Pa.	Jarrett	Palmisano
Barton	Eaton	Johnson, Minn.	Parsons
Bates	Eberharter	Kennedy, Md.	Patton
Beiter	Edmiston	Kinzer	Pettengill
Bell	Elliott	Kieberg	Phillips
Bigelow	Engel	Knutson	Plumley
Boileau	Englebright	Kvale	Polk
Buckley, Minn.	Faddis	Lambertson	Rabaut
Burdick	Fleger	Lamneck	Ramspeck
Carlson	Fries, Ill.	Lanham	Reece, Tenn.
Carter	Gamble, N. Y.	Lemke	Reed, Ill.
Case, S. Dak.	Gambrill, Md.	Lord	Reed, N. Y.
Chapman	Gearhart	Luce	Rees, Kans.
Church	Gehrmann	Luckey, Nebr.	Rich
Clark, Idaho	Gifford	McClellan	Robison, Ky.
Clason	Gray, Pa.	McGroarty	Rockefeller
Cluett	Griswold	McLaughlin	Rogers, Mass.
Coffee, Nebr.	Guyer	Maas	Rutherford
Cole, N. Y.	Gwynne	Mapes	Ryan
Costello	Halleck	Martin, Mass.	Sauthoff
Crawford	Hancock, N. Y.	Mason	Schneider, Wis.
Crowther	Hartley	May	Scrugham

Seger
Shafer, Mich.
Short
Simpson
Smith, Conn.
Smith, Maine
Snell

Spence
Stack
Starnes
Stefan
Sweeney
Taber
Thomas, N. J.

Thurston
Tinkham
Tobey
Towey
Treadway
Wadsworth
Welch

White, Ohio
Wigglesworth
Withrow
Wolcott
Wolverton
Woodruff

NOT VOTING—83

Allen, La.
Beam
Biermann
Binderup
Bland
Boehne
Boykin
Boylan, N. Y.
Brewster
Buckley, N. Y.
Burch
Caldwell
Cartwright
Champion
Coffee, Wash.
Colden
Cole, Md.
Cox
Crosby
Deen
Dickstein

Dixon
Doughton
Douglas
Drewry, Va.
Driver
Duncan
Eckert
Fish
Flannagan
Frey, Pa.
Gasque
Gilchrist
Green
Greever
Hancock, N. C.
Harter
Hennings
Hook
Jarman
Jenckes, Ind.
Jenkins, Ohio

Jenks, N. H.
Kelly, Ill.
Kocialkowski
Kramer
Leavy
Lewis, Md.
Long
Lucas
McKeough
McLean
McSweeney
Maverick
Mitchell, Tenn.
Murdock, Ariz.
O'Connor, Mont.
O'Leary
Oliver
O'Neal, Ky.
Patrick
Pfeifer
Powers

Randolph
Rankin
Rigney
Sabath
Sadowski
Schuetz
Shannon
Smith, Okla.
Sparkman
Steagall
Sullivan
Taylor, Tenn.
Teigan
Vinson, Ga.
Weaver
White, Idaho
Wilcox
Wolfenden
Wood
Zimmerman

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Flannagan (for) with Mr. Gilchrist (against).
Mr. Gasque (for) with Mr. Douglas (against).
Mr. Vinson of Georgia (for) with Mr. Fish (against).
Mr. Duncan (for) with Mr. Brewster (against).
Mr. White of Idaho (for) with Mr. McLean (against).
Mr. Long (for) with Mr. Taylor of Tennessee (against).
Mr. Dickstein (for) with Mr. Oliver (against).
Mr. Hook (for) with Mr. Jenkins of Ohio (against).
Mr. Biermann (for) with Mr. Powers (against).
Mr. Weaver (for) with Mr. Wolfenden (against).
Mr. Boylan of New York (for) with Mr. Jenks of New Hampshire (against).
Mr. O'Leary (for) with Mr. Champion (against).

Until further notice:

Mr. Rankin with Mr. Tiegan.
Mr. Boehne with Mr. Deen.
Mr. Schuetz with Mr. Sparkman.
Mr. Bland with Mr. Rigney.
Mr. Hancock of North Carolina with Mr. Kelly of Illinois.
Mr. Burch with Mr. Colden.
Mr. Steagall with Mr. Wood.
Mr. Maverick with Mr. Pfeifer.
Mr. Drewry of Virginia with Mr. Kramer.
Mr. Doughton with Mr. Allen of Louisiana.
Mr. Sabath with Mr. Shannon.
Mr. Harter with Mr. Green.
Mr. Cox with Mr. Zimmerman.
Mr. Mitchell of Tennessee with Mr. O'Neal of Kentucky.
Mr. Boykin with Mr. McKeough.
Mr. Hennings with Mr. Sadowski.
Mr. Greever with Mr. Buckley of New York.
Mr. Crosby with Mr. Randolph.
Mr. Frey of Pennsylvania with Mr. Caldwell.
Mr. Sullivan with Mr. Eckert.
Mr. Patrick with Mrs. Jenckes of Indiana.
Mr. Beam with Mr. Lewis of Maryland.
Mr. Wilcox with Mr. Murdock of Arizona.
Mr. Leavy with Mr. Kocialkowski.
Mr. Driver with Mr. Coffee of Washington.
Mr. Jarman with Mr. McSweeney.
Mr. Smith of Oklahoma with Mr. Lixon.
Mr. Cole of Maryland with Mr. O'Connor of Montana.

The result of the vote was announced as above recorded.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 3331) to provide for reorganizing agencies of the Government, extending the classified civil service, establishing a general auditing office and a department of welfare, and for other purposes, with Mr. McCormack in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Under the rules the gentleman from Massachusetts [Mr. GIFFORD] is recognized for 1 hour.

Mr. GIFFORD. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Chairman, I deplore the fact that this important measure is being railroaded through this House. Not since I came here 20 years ago have I known of a time when 130,000,000 people were so aroused over any

legislative proposal as they are over this attempt to vest the legislative power of a representative government in one man. I feel that the leaders on the majority side of the House should take notice of the sentiment of the people whom they have the honor to represent, and afford ample opportunity for each Representative to present the views of his constituents on this important matter. [Applause.]

Mr. Chairman, 1 year ago yesterday I had occasion to take the floor in opposition to the proposal to pack the Supreme Court. I then made this statement:

When the President sent his message to Congress asking power to appoint six more Supreme Court Justices, the people, including thousands who loyally supported him last year, were amazed, shocked, and grieved.

Amazed, shocked, and grieved as they were then, I venture the statement that they will be equally amazed, shocked, and grieved when they learn the full import of the President's plan to reorganize the administrative departments of the Government. The bill is now locked in the fastness of executive session and will not become public until the committee reports it out. The first reorganization bill sent down from the White House was incredible in its challenge to legislative authority. So incredible that it was soon withdrawn and a second bill, less obvious in its intent, substituted.

I see real danger to our democratic form of government in that one bill alone, but when that bill is coupled with the bill to enlarge the Supreme Court—and they should be coupled—then the danger becomes terrifyingly imminent.

It has been very properly said that "we do not want a dictator in this country, not even a good one." It is alarming, indeed, to contemplate vesting the enormous powers sought by these two reorganization bills in the hands of the President, where they will remain for the use of Presidents yet unknown.

The individual who plays a game in which his life, liberty, and property are the stakes, and his opponent deals the cards out of a stacked deck, need not expect to win.

It must not be overlooked by the membership of this House that whatever power may be vested in President Roosevelt by the enactment of the bills now under consideration such power, if and when granted, cannot be regained by the Congress by a majority vote. If the powers are delegated to the President as now proposed, and a time comes when prudence or the general welfare makes it advisable to recapture the surrendered legislative functions, what will be the procedure and the result? Assume that Congress passes a bill to regain that which it now plans to surrender and the President vetoes the bill, then what? Congress may then attempt to override the veto, which can be done only by a two-thirds vote. This means that the President can retain his power by controlling one-third of the membership of either the House or the Senate. The legislative record of this Congress for the past 5 years shows that the President has been able to control, with only a few exceptions, not only one-third but an overwhelming majority of the House and the Senate.

There is no use in losing sight of the influence which the President can exert over Congress through the use of patronage, promise of public projects, judicial appointments, aid to the faithful in congressional campaigns, the approval or disapproval of bills, and in many other ways. When Congress surrenders its legislative powers it is doing that which is not only unconstitutional but it is striking a blow at representative government by surrendering rights which properly belong to a sovereign people. The delegation by Congress of its legislative functions in this manner is unconstitutional, and such an act cannot be justified by the specious argument that it should be done in the name of efficiency and economy, neither of which can nor will be accomplished by the pending reorganization measures.

President Roosevelt has had 5 years during which, even under the present departmental arrangements, to practice economy, yet the record shows that he has done nothing within his existing Executive power to curtail waste, extravagance, and inefficiency. This ought to raise doubt in the minds of reasonable persons as to his real motive in asking for the powers embodied in the pending measures.

In deciding upon the course of action that should be taken by Congress, the fact that it is now proposed to exempt certain quasi-judicial agencies is of no consequence. I do not want to see the dangerous precedent established by this Congress of attempting either to violate the Constitution or to

surrender the fundamental rights of the people, now vested in their chosen representatives.

I desire to stress again the fact that any power surrendered can be regained only by a two-thirds vote in both branches of Congress. This is an attempt to change our form of government by vesting power in one man, which he can retain as long as he can control the votes of one-third of either branch of the National Legislature.

There is one thing of which this House may be certain—that whatever power is granted to the President, he will use; otherwise he would not ask for it.

The extent to which the President desires to dominate the Government is revealed in the original proposal of reorganization presented to the Joint Committee on Organization.

There were two drafts or legislative proposals to reorganize the Government presented by the Executive, but I shall refer to only the first one. I wish to call your attention to section 2. Under this provision the President could have abolished any Government department, independent establishment, or even legislative courts. The functions performed by such Government agencies could also be abolished.

Also note section 215 (b). Under this provision the President could exempt any policy-forming office from the civil service, and the appointments to such offices would not have to be confirmed by the Senate. The President's determination of what constitutes a policy-forming office would be final. In this provision practically all of the rest of the provisions of title II of the bill are contradicted.

Title V of the bill sets forth a number of definitions and contained a number of miscellaneous provisions. Section 501 (a), defining "agency," and section 501 (f), defining "functions," are especially of interest. Section 503 practically grants to the President unlimited power to shift appropriations from one establishment to another.

I am against these bills, even though modified to exempt some of the drastic and dangerous features of the first draft presented by the President.

The state of mind of the world today and the advantage taken of it by men ambitious to exercise absolute and tyrannical control over the people, even to the extent of destroying individual liberty, is a danger signal which we must heed. In the President's press release of March 29 he says:

Let me state to you categorically that if such a joint resolution were passed by the Congress disapproving an order, I would, in the overwhelming majority of cases, go along with carefully considered congressional action.

Further he said:

I can think of no cases where the President would not gladly yield to a clear expression of congressional opinion.

Let us see if this is true. You remember that in 1934 we in this House, by more than a 2-to-1 vote, defeated the plan to build a furniture factory at Reedsville, W. Va. The Senate at first dissented from our position but later agreed with us, and the \$525,000 which Secretary Ickes had given to General Farley for the erection of the factory was returned to the P. W. A. and the furniture factory was not built. In both the House and the Senate there was a clear expression of congressional opinion against the Government's going into the furniture business in subsistence homesteads. At that time we pointed out that this was the first of a series of some thirty factories that were planned by Professor Tugwell's Resettlement Administration. Nothing could be clearer than the speeches in the House and the Senate opposing the plan to put the Government in competition with business in these subsistence homesteads. It was "carefully considered congressional action." It was a "clear expression of congressional opinion."

Yet, what do we find taking place this very day? The Resettlement Administration has plans drawn and \$400,000 set aside and available for the construction of a sawmill and dimension plant at Tygart Valley, W. Va. This is a direct entry by the Government into the lumber business and direct competition with the lumbermen. The hardwood lumber industry has, for a great many years, been facing a

continued decrease in consumption. The potential demand both for domestic and export hardwood could not possibly keep busy the mills already erected.

If the President "can think of no cases where the President would not gladly yield to a clear expression of congressional opinion," I call this case to his attention.

Let us not forget either that it was the Comptroller General who stepped into the breach when Mr. Ickes allocated \$525,000 to Mr. Farley for the furniture factory. The Comptroller, at my request, propounded this question to Mr. Ickes: "To report as to the authority of law under which the allotment is proposed to be made."

"In the meantime," the Comptroller General reported to me, "this office is withholding action on the warrant submitted for countersigning to effectuate the allotment of Public Works funds for the construction of the factory."

Bear in mind that the allocation of \$525,000 was made before we had an opportunity to vote on the policy of the Government going into the furniture business. It was the Comptroller General who under the powers that the Congress vested in his office withheld approval of the allocation warrant.

Under the reorganization bill all power to disallow expenditures will be transferred to the Bureau of the Budget—which means the President.

In answer to the President's assurances, I have given you a concrete example to the contrary.

Mr. GIFFORD. Mr. Chairman, I yield 2 minutes to the gentleman from Vermont [Mr. PLUMLEY].

Mr. PLUMLEY. Mr. Chairman, in common with a good many, I recognize the fact that efficiency, if not economy, in government demands that there be a reorganization of governmental agencies.

However, while it may be true that in some respects the proposed reorganization measures are not as bad as painted, on the contrary, it is equally true that the vindictive and vicious features, the harm and damage deliberately proposed to be accomplished if the measure becomes a law, make it impossible for those who favor rational reorganization to support the present proposition at all.

LABOR SHOULD BE INTERESTED

I am opposed and most strenuously object to some of the proposed changes. In the first place, in my judgment the Civil Service Commission and the United States Employees' Compensation Commission should be retained as independent agencies.

I do not believe that Congress should further abrogate or surrender its prerogatives by delegating to the executive department such sweeping authority as is contemplated. I am convinced that Congress should reassert itself and its authority in conformity with democratic procedure and democratic government.

No Executive order, such as is contemplated may be issued by the President if the Senate bill should become the law, which undertakes to consolidate, abolish, or transfer any bureau or department should be permitted to become effective unless and until approved by a majority of both branches of Congress. It is time the people had a chance to assert themselves.

AGRICULTURE GRAVELY AFFECTED

In the second place, I am sure that the dairy farmers of this country, and of Vermont in particular, do not realize or appreciate the fact that under the provisions of the Senate bill every agency of the Federal Government dealing with agriculture may be shifted from their present locations in the Department of Agriculture and the Farm Credit Administration and placed under other governmental departments or boards whose executive officers and departmental heads may not be friendly to the interests of agriculture nor familiar with the problems of agriculture.

For many years the agricultural interests of the country have always opposed legislation which would permit any interference with the Department of Agriculture or other Government agricultural agencies except by congressional action.

Agriculture has persistently insisted that congressional action to change any of the agencies of the Government affecting agriculture presupposes—

First. A hearing by congressional committees, both Senate and House, at which all interested parties are permitted to testify.

Second. Committee reports giving the reasons for and against any proposed change, available to farm groups as well as to all members of the Senate and House before the measure is voted upon.

Third. The opportunity for record vote in both Senate and House so that the farmers of this country may be given the opportunity to know where their elected representatives stand on proposals affecting the operations of the Department of Agriculture and the Farm Credit Administration.

PRESERVATION OF BENEFITS

So I again assert that in order to preserve for the farmers of this country the benefits they are now receiving through the Department of Agriculture and the Farm Credit Administration and to prevent any change in the operations of these two governmental agencies without express congressional sanction, the proposed reorganization bill should be defeated.

A BLOW TO THE CAUSE OF REPRESENTATIVE DEMOCRACY

There can be no question that, as has already been so ably stated, the enactment of the Senate bill for the reorganization of Federal agencies in its present form would be a blow to the cause of popular government. It would vest the Executive with wholly unwarranted powers and would reduce Congress to the status of a mere spectator in the work of reorganization. It would mean the abandonment of the processes of representative government and would degrade the ideals of American democracy.

True, the provision for the creation of a department of conservation has been dropped from the Senate bill, but the measure as it now reads leaves the way open for the transfer of various agricultural agencies to the Department of the Interior. It is significant that Secretary Ickes publicly announced his gratification over the defeat of the attempt to amend the Senate bill so as to forestall the transfer of agricultural agencies to his Department.

Dropping this proposal from the bill is an idle gesture if the President be given full authority to regroup governmental activities without approval by Congress. Senator WHEELER was right when he insisted, but futilely so, that "before any Executive order for regrouping Federal agencies could become effective, it would have to be approved by both Houses of Congress."

It is common knowledge that the Grange and other farmers' organizations are back of the proposition to have the reorganization bill amended in such a manner as to prevent the transfer of the Forest Service, the Soil Conservation Service, the Biological Survey, and similar agencies from the Department of Agriculture to the Department of the Interior. Practically all the farm, conservation, and forestry organizations of the country are united in opposing the transfer of these agencies. Secretary of the Interior Ickes has for years been casting covetous eyes in this direction, and he has waged a persistent campaign to get control of the agencies named.

It will require a limitation of the power now given to the President by the Senate bill to accomplish the prevention of the transfers above suggested. Do not forget that.

AN INDEPENDENT PREAUDIT

In the third place—and this is a matter to which I have given a great deal of time and study—I feel strongly that Congress should retain its direct control of public funds and expenditures through the maintenance of an independent Comptroller General. The only way this can be assured is by the preaudit of accounts for expenditures of public funds, as at present, instead of a postaudit, and I am, therefore, unalterably opposed to the proposed changes involved in the plan to emasculate the office of the Comptroller General.

With respect to this proposed change I substantially repeat what I said on the floor of the House on March 22, 1937, when this very matter was under consideration.

The people, as well as Members of Congress, should not lose sight of the fact that the General Accounting Office was set up for the single purpose and with the single intent to do one thing, namely, to require law observance in the uses of appropriated moneys—to aid the Congress in this regard in discharging a constitutional responsibility to the people. It has accomplished that purpose, and in so doing has carried out the intent of Congress.

As someone has well said, the authority of the congressional branch to require law observance in the uses of appropriated moneys and in executive expenditures goes back to the days of William of Orange. William had been called from Holland to rule England when the English found it impossible to rule themselves. After he was safely in England a political sand boil spouted up behind the Dutch dikes. William asked the English Parliament for more money. Parliament suspected he wanted the money to cover the costs of his armies in Holland.

"What for?" asked Parliament.

"None of your business," said William. This may not be an absolutely verbatim report. "I'm the King, what? Send me the money and I will spend it the way I want to. I can do a far better job of spending than you can."

"Go, my fair liege," replied Parliament, in effect, "and jump in the lake."

The principle that the money-producing body shall say how the money shall be spent has been upheld in English and American jurisprudence ever since.

CONGRESS SHOULD ASSERT, NOT STULTIFY, ITSELF

At the bottom of all the criticisms of the act which established the office of Comptroller General, and the real, uncoupled reason underlying all other, given by those who would offer a new scheme or system, is the fact that the act worked as it was intended it should work, and exactly as Congress proposed to have it work. It accomplished those very things which it undertook to effectuate, therefore it should not be changed or amended for the purpose of emasculation or repeal.

That it has functioned as it was intended it should is the compelling reason for strengthening rather than weakening the provisions of the act; for its continuance, and for the position I have above taken. It should remain unmolested by those who would interfere with it, undisturbed by those who claim they have suffered interference by reason of it, and unassailed by others who have undoubtedly been inconvenienced.

Were the matter to be gone into on Congress' own volition and motion out of the experience of the years, there would of necessity come the conviction that the independent audit system should be strengthened, not weakened, emasculated, or crucified, as proposed.

Significant facts which should not be overlooked by Members of Congress are found in the language of the act creating a General Accounting Office, an office—

Which shall be independent of the executive departments and under control and direction of the Comptroller General of the United States.

In this act it is provided that, among other things, as the agent of Congress—

The Comptroller General or the Assistant Comptroller General may be removed at any time by joint resolution of Congress after notice and hearing when, in the judgment of Congress, the Comptroller General or Assistant Comptroller General has become permanently incapacitated or has been inefficient, or guilty of neglect of duty, or of malfeasance in office, or of any felony or conduct involving moral turpitude, and for no other cause and in no other manner except by impeachment * * *

(b) He shall make such investigations and reports as shall be ordered by either House of Congress or by any committee of either House having jurisdiction over revenue, appropriations, or expenditures. The Comptroller General shall also, at the request of any such committee, direct assistants from his office to furnish the committee such aid and information as it may request.

(c) The Comptroller General shall specially report to Congress every expenditure or contract made by any department or establishment in any year in violation of law.

(d) He shall submit to Congress reports upon the adequacy and effectiveness of the administrative examination of accounts and claims in the respective departments and establishments and upon the adequacy and effectiveness of departmental inspection of the offices and accounts of fiscal officers.

Why should Congress be asked to surrender not only the right but its duty to require law observance? It should not.

Congress should insist that the office of Comptroller General should be continued substantially pursuant to the terms and according to the provisions of the act by which it was created, strengthened, and circumscribed only with and by the limitations therein contained, be empowered to function effectively and independently as prescribed and made possible by the act.

CONGRESS MUST PROTECT ITS RIGHTS

Congress should protect itself. It should resent and show its unmistakable disapproval of every suggestion looking toward the surrender by it of any of its rights and prerogatives, and most emphatically should it decline to surrender its authority and duty to require law observance.

Now, let me say that if I am correctly advised, and the program contemplated is followed, the House bill as finally enacted and the Senate bill will go to conference. Such conference report as is filed may be taken up by unanimous consent, which will never be granted; or under a rule from the Rules Committee. So the proposed reorganization measure has a long, tortuous road to travel before, if, and when it arrives as the law. I doubt if, as it emerges eventually, its own friends will recognize it, but that is my opinion based upon the assumption that the American people will wake up and assert themselves and their rights to live in a representative democracy.

The American people are opposed to the bills and to the strategy invoked to "steam roll" them into a law.

The people are aroused by the two public statements recently made by the President. The reaction has not been what was hoped for, but it would appear exactly the opposite. Right or wrong, as evidenced by the hundreds of thousands of letters and telegrams received in Washington, the people are more convinced than ever that they are being played with as pawns. It is generally admitted by his best friends, and has been stated over and over again on and off the floor, that the President made a bad slip when he issued a statement immediately after the passage of the reorganization bill in the Senate in which he said that it had been proved that the Senate could not be "purchased" by telegrams allegedly misrepresenting the facts about the reorganization bill. It left the inference, quickly seized upon, that those Senators who voted against the bill had been purchased or influenced improperly. It was an effort to crack down on his opponents and to make the country believe they were attempting to "purchase" Senators.

Not even the best of Mr. Roosevelt's friends, however, condone this action of jubilation over the administration victory in the Senate by saying the victory proved that body not to be purchasable.

If he had referred to the Senate in more parliamentary terms by saying Senators could not be frightened, or intimidated, or stampeded by waves of inspired telegrams, there probably would have been no outburst in that body.

As it was, many of the Members who voted with Mr. Roosevelt felt the use of the word "purchase" was gratuitously offensive and invited all the criticism that has followed and that will be heard for many a day yet to come.

Next comes his "no dictator" letter in which he attempts to allay fears aroused by the very bill which he defends. Let us get that straight. The President favors the Senate bill. The House proposes to strike out all of that bill after the enacting clause and to substitute something else. The President's letter favoring the Senate bill is used as a weapon to force passage of the House substitute. What does it mean? Who is right—those who tell us the House bill

protects the country and are using the President's letter favoring the Senate bill as a weapon, or those who tell us that all that is planned is to get the House bill to conference and to come back with the essential Senate bill? You may take your own choice and draw your own conclusions.

It has also been well said—and many times, by many men, in many ways, in the last 48 hours—that things have come to a strange pass in America when the President of the United States feels it is necessary to announce to the country that he has no desire to be a "dictator." It is all the more strange that the President should have been impelled to arouse the newspaper reporters in the middle of the night to place this announcement in their hands. Does the President believe that the people are reaching the conclusion that he has a desire to be a dictator?

The President's announcement was contained in a letter defending the reorganization bill, which has passed the Senate and is before the House. The Chief Executive declared that he had no "inclination" to be a dictator; that he had none of the qualifications which would make him a successful dictator; and that he had too much knowledge of existing dictatorships to make him desire such a form of government for America. This pronouncement of the President, unusual in character as it is, must be considered as another step in the fight for more centralized control of the Government in Washington.

Another thing which sticks out like a sore thumb and is to be considered is the fact that the President cannot forget the defeat of his attempt to reorganize the Supreme Court. Neither do, nor will, the Members of Congress forget it. An editorial writer on the Washington Post covered the situation pretty definitely when he said:

A single paragraph of the President's letter to an unidentified correspondent on the reorganization bill epitomizes his view:

"You know that when over a year ago I recommended a reorganization bill to the Congress all parties and all factions agreed on the need for such a measure. You know, too, that a year later a carefully manufactured partisan and political opposition to any reorganization had created a political issue—created it deliberately out of whole cloth."

Despite the President's assertion that the opposition to his bill is directed at any and all reorganization plans, there is still a strong demand in and out of Congress for an overhauling of the executive departments to enhance their efficiency. The question on which the present controversy centers is whether this task shall be entrusted to Mr. Roosevelt with only perfunctory checks upon his exercise of power. At the beginning of its 1937 session Congress would undoubtedly have granted him that power. Now, many legislators in both Houses are skeptical, if not definitely opposed.

Mr. Roosevelt frankly admits that a change has come over the country. And he makes a fighting effort to show that it is partisanship manufactured "out of whole cloth." A glance at the line-up in the Senate is sufficient to show the fallacy of that statement. What possible reason could such Senators as WAGNER, WALSH, GLASS, MILLER, KING, GEORGE, CONNALLY, CLARK, BURKE, BONE, TYDINGS, and WHEELER have in trying to discredit the administration most of them helped to elect?

During the year in which the country changed its mind about the reorganization bill, it experienced one of the most soul-searching controversies in its history. In the President's letter he blandly ignores the public outcry which prevented him from packing the Supreme Court. But do not overlook the fact that today that fight is uppermost in the mind of virtually every Member of Congress and every citizen who is opposing the proposed grant of reorganization powers.

To the President that historic struggle to preserve the independence of the judiciary may be just a boggy planted under the bed by politicians. But millions of citizens whose concern is the future of democracy cannot regard it so lightly. In that fight the President manifested a positive

contempt for our system of constitutional government with divided powers. He put a coordinate branch of the Government in jeopardy to gain his ends. And the whole scheme was cloaked in the deceptive language of "judicial reform." [Applause.]

If the ghost of the Court bill now rises to plague the administration it can scarcely be said that skeptical legislators are yielding to pressure or playing politics. The President himself has thrown a long shadow over every proposal seeking to extend his authority. His regard for constitutional government is under a suspicion that mere words will not remove. Until these fears can be overcome by an impressive record of government by law and not by impulse, every attempt to expand the President's powers will meet with stubborn and nonpartisan resistance.

Mr. GIFFORD. Mr. Chairman, I yield 3 minutes to the gentleman from New Hampshire [Mr. TOBEY].

Mr. TOBEY. Mr. Chairman, I speak this morning for interests that transcend those of party, namely, the interests of American citizenship, regardless of party, race, or creed. I oppose the legislation before us.

In 1921 the General Accounting Office and office of Comptroller General were established, and the House voted 344 to 9 in favor thereof. The clear purpose of Congress as brought out in the debate was that the Comptroller General should be responsible only to Congress and should see that all appropriations were disbursed strictly in accordance with the law.

The gentleman from Alabama, now the distinguished Speaker of this House, at that time said—and I quote:

It is a safe provision to allow this man who is to perform the great duties of Comptroller General to be absolutely free and independent of any restraint by Executive interference. If he is to carry out the will of Congress as proposed in this House bill and protect the Treasury and the interest of the taxpayers, he should be free and untrammelled from any sort of interference from any source.

That was well said, but the independence which that law gave the Comptroller General disappears under the proposed bill, and should it become law we shall have forged another link in a chain of legislation setting up in effect in these United States a totalitarian state.

Under this proposed bill the Comptroller General would carry on the duties of his office with a sword of Damocles hanging over him, which might fall at any moment, dependent on the will or caprice of the Executive.

No one questions the need of reorganization and the regrouping of some of our Government departments and subdivisions. The cause of efficiency could well be served by a wise application of such; but, whatever changes be proposed, there should be written in this bill now before us a provision that the same shall not become effective unless and until they receive the approval of Congress.

The power to effect such changes is our prerogative today, and I for one will never vote to strike it down and grant it to the executive branch.

The press reports that after the passage of the reorganization bill in the Senate the President decried the pressure efforts which he alleged had been used on the Senate by opponents of the bill.

There is an element of grim humor in this statement. For the last 5 years I have been a Member of this House. I have been a part of Congress as it acted on the various measures the President sponsored. Often they were known as "must" bills—that is, must pass. So the fiat went forth.

Well, some did and some did not. More passed a few years ago than in the past 2 years, and the diminution constitutes a cause for rejoicing by all Americans, regardless of party.

But when the President decries pressure and influence from those honestly afraid of the effect of such legislation he ought to apply introspection and recall the many times the White House and his department heads have put pressure on Members of Congress in ill-advised attempts to impose the will of the President on the free judgment and conviction of Members.

One does not have to hark back long to recall instances of the use of threats, promises, and cajoling, whichever treat-

ment seemed most potent, and all motivated by a lust for power that bodes ill for our American form of government.

The powers asked for by the administration in this bill are a close second to the untimely and unsuccessful attempt a year ago to empower the Executive to pack the Supreme Court. Throughout the length and breadth of our land there then arose a spirit of righteous indignation which manifested itself in no uncertain tones. The same just indignation is abroad in our land today with respect to this bill and the powers asked for therein.

With respect to the civil-service provisions of this bill, there is much more to civil service than placing men and women on Government jobs beyond the pale of patronage. Civil service at its best should insure to those under it a sense of security in their jobs and tend to establish them in a career service.

I oppose doing away with the present bipartisan Civil Service Board and substituting a single head. I am not convinced of the sincerity of purpose behind this proposal. There never has been an administration that was more devoted to civil service than the present one, but the devotion has been shown chiefly in lip service.

In confirmation of this let me point out that since 1933 measure after measure of major legislation, while being shaped in Congress, had stricken therefrom the requirement that all jobs thereunder should be through civil service.

I well recall the time in 1933, when our committee was shaping the original A. A. A. bill, when the White House telephoned and asked to have the civil-service requirement stricken from that important legislation.

Equally well do I recall the time when the Home Owners' Loan Corporation legislation was before us when in the Senate the senior Senator from Nebraska [Mr. NORRIS], and in the House the gentleman from Massachusetts [Mr. LUCE] both took the floor and in speeches devoid of partisanship urged the retention of civil service in that legislation, but both were defeated. Many more instances could be cited.

Now it is proposed to do away with the present bipartisan Commission and substitute a single head, but adding an advisory board. I am opposed to these changes. As I have said before, this bill, if it becomes law, will affect the lives and welfare of over three-quarters of a million of our people now employed by the Government; and yet it is before us without those who will be affected by it having had the privilege or opportunity of public hearings with full and free discussion.

One thing I am confident of, and that is that few Members can visualize the consequences that the proposed changes would have on the lives and fortunes of over 750,000 men and women, now employees of the Government, and their families.

Let me here quote the opinion of Charles Stengle, president of the American Federation of Government Employees, who has this to say about it:

I have made a study of this measure, with the result that I am convinced that it holds grave dangers to Government personnel. It is not an exaggeration to say that this bill would virtually wipe out the merit system, contribute nothing to the career service, and constitute a spoils system more obnoxious than that which prevailed prior to our civil service.

I again affirm to you that I voice my opposition to the bill in no partisan spirit and join with such nonpartisan and representative groups as the American Federation of Labor, the American Legion, the National Grange, the National Dairymen's Association, and others in their stand against the bill.

Mr. Chairman, the nerves of the people of this Nation are on edge. In many hearts is the question, "Quo vadis?"—"Whither are we going?"

Today unemployment is at a new peak. Careful estimates reveal that it is rising to 12,000,000. In my own State of New Hampshire, as of January of this year, the relief load was at a record high of 43,000 cases, exclusive of W. P. A., N. Y. A., and C. C. C. Concurrent with this we have a record national debt of about forty billions. Business

is depressed; prices of equities and bonds are sinking daily to dangerously low levels. These declines are impairing collateral loans. Our stabilization fund is involved in the French debacle. The grim specter of repudiation of debts looms on the financial horizon.

I hold it to be no overstatement to say that it is as serious an hour in the Nation as any in which you and I have lived; and yet here in Congress, instead of putting first things first and meeting the challenge of the emergency, we spend days and weeks tinkering up a piece of legislation which is not essential nor even helpful to recovery, but which in the last analysis is only a part of the same motif apparent in previous attempts of the Executive to accrue to himself greater powers—powers which under the Constitution belong to the Congress.

In anticipation of our consideration of this legislation today and the widespread charges of the fears of dictatorship, the President in the wee small hours of yesterday morning called the press in and stated that he has no inclination to be a dictator; that his background is against it, and so forth. That is his statement, in effect; but it is axiomatic that actions speak louder than words.

He can disclaim until doomsday; but if, as is true in this legislation now before us and in many other measures in recent years, we find a common thread running throughout, a common purpose to arrogate to the Executive powers not given to him under the Constitution, but which belong to the legislative branch, then the apprehensions and fears of countless Americans are justified. Whether you call it dictatorship or any other name, the effect is the same, and the potentialities are there.

There is something immensely more important than our respective party politics or your or my political future, and that is the responsibility imposed upon us as Members of the Congress to preserve the entity of the allocation of powers granted us under the Constitution.

Let the President carry on within the limits of powers granted him in that great document, the sesquicentennial of which we observe this year, but let the Congress accept and insist on retaining the powers granted it thereunder.

So shall we make effective our oath to preserve, protect, and defend the Constitution of the United States. [Applause.]

Mr. GIFFORD. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Chairman, on January 28 I spoke on the floor of this House on the subject of civil service. At that time I pointed out what the effect would be of the reorganization bill upon the civil service. I wish at this time simply to summarize what I said then.

Mr. Chairman, the records of the Civil Service Commission show that from the time Federal civil service was begun in 1884 up until the year 1933 the percent of Government employees in civil service rose gradually and steadily from 10.5 percent in 1884 to 82.9 percent in 1933. The same source also shows that under the present administration and under the spoils system of Mr. Farley the percentage of civil-service employees of the Federal Government has dropped during the last 5 years under the New Deal from 82.9 percent to 63.2 percent. These facts and figures do not bear out Mr. Roosevelt's oft-repeated statement that he proposes to extend the merit system "upward, outward, and downward." Actions speak louder than words.

ROOSEVELT'S REORGANIZATION PLAN

Mr. Chairman, there is now pending before the Congress a measure sponsored by President Roosevelt, which, if approved by the national legislative body, will be the greatest single step toward the ultimate and absolute destruction of the civil service that has been taken since the merit system was first introduced into our American Government. That measure is the President's Government reorganization bill. The President and his advisors in that bill propose the abolition of the Civil Service Commission.

In the place of the Civil Service Commission, a single civil-service administrator would be set up, to be appointed by the President, by and with the advice and consent of the Senate, but with this highly dangerous provision—that this administrator would be removable by the President at will. Under that arrangement the civil-service administrator would not dare do anything displeasing to the President, since by so doing he would court dismissal at the hands of the Chief Executive. No other conclusion can be drawn from this proposed measure except the one that Mr. Roosevelt desires to extend his personal power and control over the merit system of government. Certainly this proposed act would accomplish exactly that result. A civil-service administrator removable at will by the President would be merely a tool to do the President's bidding.

INDICTMENT BY NATIONAL CIVIL SERVICE REFORM LEAGUE

The National Civil Service Reform League, in its proceedings during the fifty-fourth annual meeting in 1936, very frankly declared that—

Although the President has often assured the league of his devotion to the merit system, such assurances have not been fortified by insistence that constructive measures affecting the civil service be immediately enacted. Nor has he taken public notice of Cabinet defiance of its principles. We fear, also, that the failure of the President to take executive action against demonstrated instances of partisan mismanagement of important branches of the service, or assessments of public employees for campaign contributions, must lead inevitably to the belief that he acquiesces in the actions of the Postmaster General and other members of the administration similarly bent toward the patronage system.

In the phrase "acquiesces in the action of the Postmaster General" is to be found the real cause of our present civil-service mess.

Mr. ROSSON of Kentucky on last January 28 summarized the record of the New Deal on the subject of civil service wonderfully well. I close with his statement:

No administration since the days of Andrew Jackson has done so much to break down the merit system and civil service and to resurrect the spoils system as the present administration.

Mr. GIFFORD. Mr. Chairman, I yield 4 minutes to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Chairman, the question before us this afternoon is one of the most important measures that has been considered by the present Congress. It transcends all party lines. This bill is entitled to a full and complete discussion.

Before I talk about the bill I want to call attention to the fact that the term "dictatorship" has been used frequently on this floor lately. We have a pretty good example of it this afternoon. When Members of Congress are limited to speeches of 2, 3, 4, or 5 minutes and are fortunate even if they get to talk that long—if that is no dictatorship on the part of the committee handling this bill I would like to know what it is. The least that the committee in charge of the bill could do is to give the membership of the House reasonable opportunity to debate the question.

We have an amended bill before us this afternoon, but do not forget that when we are through with it this bill will go to conference, and when we vote on a conference report we will vote on the Senate bill. So it may as well be conceded that we are discussing the Senate bill this afternoon.

It is, I say, unfortunate that administration leaders are insisting upon the speedy consideration and passage of this bill. If it is a good measure it will stand the scrutiny and examination of this House. It will withstand the criticism of the people throughout the country who are interested in this legislation. If it is good legislation it will gain strength. If it is bad legislation it will weaken.

The question of reorganization of the departments of Government has been before this Congress for a number of years. It is undisputed that there is need for overhauling and reorganization within many of our executive departments. It should be done in the interests of economy and efficiency. We have just been told there are 130 different

agencies within the executive department, and more than 50 of them have been added within the last 5 years. Thousands of employees have been added to their pay rolls.

I am sure an investigation will disclose that many of these bureaus are unnecessary. Millions of dollars would be saved if our Government were operated on a business-like basis. Members of this House have told us how inefficiently these various departments are operated. Then tell me why it is that men who are paid high salaries and are supposed to be qualified for their jobs and who are entrusted with the charge of these departments do not see that they are operated in the interests of efficiency and economy for the people of this country?

The real dispute this afternoon is concerning the method that is being used in this so-called reorganization plan, as provided under the present bill. One of the most important questions is whether or not this Congress wants to preserve, as far as possible, each and every element that goes to protect our democratic and constitutional form of government. We are interested this afternoon in the question as to whether or not our Government will function better if this Congress further surrenders certain of its rights and responsibilities to the executive department of this Government.

I have only a few minutes. I shall have to speak briefly. I would like to direct your attention to two particular features of the bill.

The first is with reference to title IV, that deals with the civil-service administration, and provides that we place the authority of the civil-service administration in the hands of one individual, with certain board members acting in an advisory capacity.

This title, if it is to be considered at all, should come on the floor in a separate measure—after it has had proper hearings and consideration by the Civil Service Committee, which has been created for that purpose.

Then let me call your further attention to the fact that even if this section becomes a law—that, within itself, will not improve the spoils system. This administration and Congress has seen fit over and over again to exempt groups of Federal employees from civil service and permit them to secure their positions under the spoils and patronage system. Since 1933, we have increased the number of political employees from 110,000 to 350,000. They do not come under civil service. We are increasing that number every day. In the last 5 years the percentage of civil-service coverage has lapsed from 80 percent to 60 percent. This Seventy-fifth Congress has made wholesale exemptions for permanent as well as temporary agencies. This administration and this Congress has taken an attitude of ignoring our civil-service system.

Just yesterday, a bill was introduced in this House to set aside the Executive order concerning the appointment of certain postmasters, and says in substance that not the highest of the three who takes the examination for postmaster, but "one of the three highest" may be chosen.

If this Congress wants to make a consistent effort to correct and improve our present civil-service system, it can do so by enacting a civil-service law whereby more than 300,000 Federal employees operating under the patronage system may acquire their positions upon their qualifications and not because of patronage.

This bill abolishes the office of Comptroller General, which, right now, is one of the most important offices in our Government. It was established under the Budget Act of 1921. This act definitely made the Comptroller General responsible for making sure the appropriations of Congress are spent in accordance with its intent. The Comptroller General is authorized to prevent expenditures that are contrary to the intent of Congress. There has been very little complaint concerning the operation of this office. It seems to me that this is a very poor time for Congress to let go of the one agency under its control where it still has a small hold on the purse strings of the Government. This title

creates the office of auditor general, with no more authority than that of a bookkeeper. He is appointed for 15 years by the President.

With the ever-increasing Government expenditures, amounting this year, we are advised, to approximately \$8,000,000,000, it is time for Congress to provide for a more adequate supervision over its expenses. This is not the time to release any of its power or authority over them.

This bill gives the President sweeping authority not only to reorganize and change but to eliminate any of the executive departments of our Government, except those which are specifically exempted by this bill.

One thing more: The proponents of this bill have not thus far advocated that the Government will make a saving of its expenditures by reason of this bill.

I am in favor of a method which would provide for more efficiency and economy in the various departments of government. Why not have Congress use its powers and authority and make such adjustments that will render our executive departments more efficient and more economical?

This bill does not strengthen our civil-service system. It places sweeping power and authority in the hands of the President, when such a thing is not necessary.

Before I close I should like to answer a statement that has been made by some of the proponents of this measure. They say that certain propaganda has been used in an attempt to defeat it. I have received numerous letters and telegrams from individuals who are seriously opposed to the bill. I do not believe they are "propagandists" as the term is ordinarily used.

I do not believe such organizations as the American Federation of Labor, National Cooperative Milk Producers, National Cooperative Council, representing 1,600,000 members; the National Grange, with its thousands of members; or the American Legion or Sons of the American Revolution should be classified as such.

In my judgment, this legislation is a luxury and not economy. It is uncalled for. It is unnecessary and is not for the best interests of our people. This House should lay this bill aside and give its attention to the important problems that are now before it affecting the businessman, the farmer, and the unemployed, together with other questions involving the interests and general welfare of our people in a crucial period.

Mr. GIFFORD. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, I question the desirability of Government reorganization in the manner prescribed by this measure. Differences of opinion may well develop over proposed methods.

I am definitely opposed to this proposal to have Congress abrogate its functions and transfer complete authority over this matter to the President. The time has come when we must cease this ever-increasing concentration of power in the Executive.

I had thought that this was stopped with the defeat of the President's Supreme Court proposal, but it now rears its ugly head once more.

In many respects the same issues are involved in this measure as were involved in the Court-packing measure. It is a question of whether we are going to preserve the independence of the three coordinate branches of the Government under the Constitution. The bill not only gives the Executive a tremendous power, but it involves an abrogation on the part of Congress of its control over strictly legislative policy.

The establishment and regulation of the various executive agencies of the Government is clearly the sole responsibility of Congress. It is the function of the President merely to see that the laws passed by Congress are faithfully executed. The Constitution gives him no legislative powers.

This bill is an acknowledgment by Congress that it is either unwilling or unable to perform its constitutional duties. If we are going to transfer all our legislative powers to the Executive, as we have heretofore over money, banks, the

tariff, and so on, there will not be any excuse for our continued existence as a legislative body.

The hundred-odd agencies over which the President is given control by this bill were all established by Congress, except the emergency agencies set up by the Executive under general powers delegated to him. Congress alone has the power to create these agencies and Congress alone has the power to reorganize, consolidate, or abolish them.

For a long time the people of this country have failed to realize the implications of this bill. At present, however, they are becoming aroused.

If the debate in the other body had been allowed to go on for a few more days, I feel certain that the rising tide of public protest against the enactment of the bill would have caused its defeat.

The purpose of the administration is to rush the bill through the House before the public can make its will known to the Members of this body.

Why all the haste, except for this reason? There is no emergency confronting the country in regard to reorganization. Other subjects, such as unemployment, encouragement to business, and so on, are vastly more important.

While two of the provisions of the pending bill have previously been considered by the House, the other two have not. The matter of Government reorganization is an important question, and it should not be rushed through without adequate consideration.

I know it is said that Congress retains control over the President's actions by the provision allowing rejection of the President's reorganization plan within 60 days. But this simply means that one-third of the membership of either body can prevent the Congress from interfering with the President's reorganization proposals. A resolution of disapproval would have to be passed over a certain Presidential veto, which would require a two-thirds majority. It would, of course, be an easy matter for the administration to muster the support of one-third of either branch to prevent such action.

The President has been quoted as saying that the vote in the other branch shows that the other body "cannot be purchased by organized telegrams." This was a very unfortunate statement for the President to make. It has been justly condemned by those on whom it reflects, who voted their convictions in opposition to the bill.

Significantly, the President failed to mention the pressure which his lieutenants have brought to bear to bring Members "into line" in support of his program. The only insidious propaganda or lobbying, apparently, is that which is carried on in opposition to the President's program. Nothing done to secure support for administration measures, on the other hand, seems to constitute lobbying or purchasing of support.

I want to say here and now that the letters and telegrams I have received in opposition to this measure have come from responsible citizens in my district who are expressing their honest convictions. They do not constitute organized propaganda. Certainly these people have a right to express their views on legislative matters. We still have freedom of speech and the right of petition in this country, although of course, these rights have been taken away in some foreign countries. Personally, I welcome at all times an expression of the views of my constituents on legislative matters.

In this connection I want to quote briefly from an editorial which recently appeared in one of the newspapers in my district, the North Adams Transcript. Discussing the question asked by the chairman of the Senate Lobby Committee as to who is paying for the so-called propaganda against the President's reorganization plan, the editorial states:

Specific answer is impossible, because it would involve the listing of thousands of individual names, the names of the American citizens who, because they are genuinely alarmed not only by the far-reaching grant of power which this bill would make to the President, but by the use Mr. Roosevelt might make of it, have exercised their rights as American citizens to express in letters and tele-

grams, paid for out of their own pockets, the opinions which Senator MINTON calls propaganda.

Further on the editorial continues:

Who is paying for the pressure on the other side—the pressure which is so strong that, despite the avalanche of spontaneous and voluntary protests against this bill from thousands of American citizens, it still seems likely to be enacted?

The answer to that question is simple. There is no need to list any individual names. It is a complete answer to say that everyone is paying.

All of us are paying in the taxes we contribute for the support of the Federal jobs which are being promised as patronage to the Congressmen who support President Roosevelt in his effort to make himself a more powerful boss.

All of us are paying in the taxes we contribute for the payment of the senatorial salaries which Mr. Roosevelt promises to continue another term for the Members who support his bill by giving them his support in their campaigns for reelection.

In a word, everyone in America is contributing, but in this case involuntarily, to the price of a campaign which, to the extent that it succeeds, will compromise the principles of government under which everyone in America, through his elected representative, is supposed to have a voice in his Government.

Mr. Chairman, the action of the House upon the important question before us should not be decided by the amount of propaganda or pressure on one side or the other. The bill should be considered solely on its merits or demerits.

I have already referred to the granting of discretionary authority to the President in reorganizing, consolidating, and abolishing executive agencies. I would now like to refer briefly to other provisions of the bill.

The abolition of the Civil Service Commission and the substitution of a single administrator is to be strongly condemned. With the administrator responsible solely to the President, it means that the civil service will become a part of the Farley spoils system. It is definitely a backward step in civil-service reform and can only result in a break-down of the merit system. The present bipartisan Commission should be preserved.

Now, as to the Comptroller General's office, which was set up by Congress in 1921 to see that the public money was spent exactly in the manner authorized by Congress. While the House bill does not provide for the abolition of the office, as does the Senate bill, it nevertheless does away with the real value of the position. The Comptroller is shorn of his present powers and instead of being independent of Presidential influence, as he is at present, he is to hold office only during the pleasure of the President. This in itself completely destroys his value in carrying out the will of Congress. The Comptroller General's office is a quasi-legislative agency and should remain under the control of Congress.

Both the House and Senate bills set up a new department of public welfare, with a Cabinet member in charge, which will without a doubt become the greatest spending agency of the Government. It will have charge of all functions relating to relief, old-age assistance, vocational rehabilitation, public health, education, and so on. How great the powers of this proposed department may become in future years no one can foretell. It has been estimated that it will have control over the spending of nearly four billions annually.

The inclusion of the bureau of education in this department perhaps portends greater Federal control over education. I know that many groups in this country greatly deplore this tendency.

Another bad feature of the bill is the creation of six high-salaried administrative assistants to the President, who in effect will be assistant Presidents. They will receive a salary of \$10,000 each, and, of course, will be political appointees. They would act as buffers between the President and the executive agencies. No doubt a large part of their time would be spent here in the legislative halls lobbying for administration measures and "putting the heat" on recalcitrant Members.

Mr. Chairman, in conclusion, let me say that the decision which the House makes in regard to the pending measure is of tremendous importance. It is a decision which involves far-reaching consequences. I hope and trust that the Mem-

bers of this body will defeat this unfortunate measure. [Applause.]

Mr. GIFFORD. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon [Mr. MOTT].

Mr. MOTT. Mr. Chairman, when the reorganization bill (S. 3331) passed the Senate last Monday by a majority of 7 votes, the President of the United States publicly impugned the honesty and integrity of the 42 Senators who voted against the bill by declaring that the vote had proven that the Senate could not be purchased by a flood of telegrams, which he branded as deliberately misleading.

The telegrams he referred to were the thousands of messages which had come from people in all walks of life telling their Senators of their disapproval of the reorganization bill and asking them to defeat it.

The Senators to whom the President referred when he said the Senate could not be bought by such telegrams were, of course, only those Senators who voted for the bill. He was not including those Senators who voted against the bill. He was excluding them and, thereby and by direct inference, accusing them of having been bribed by the people through these telegrams.

If the bill should pass the House, I presume the President, in order to be consistent and impartial, will pronounce a similar verdict upon those of us who are opposing it in this body.

Mr. Chairman, I am opposed to this so-called reorganization bill which passed the Senate and which, with some slight modification is now before us for consideration. I am very vigorously opposed to it, but in the zeal of my opposition to this bill, I shall not follow the example of the President and call into question the honesty, the integrity, or the motives of my colleagues who are supporting it. I would not be permitted to do that even if I wanted to. For me to use on the floor of this House the language the President has used would be unparliamentary and in violation of the rules of the House.

But, Mr. Chairman, without violating any of the rules of the House, I want to give it as my solemn and considered conviction—and I say this after the most careful study—that no one who really understands and who believes in the American theory and system of government can read this bill without knowing that through its enactment the Congress will have surrendered to the Chief Executive every vestige of jurisdiction which it now holds over the independent agencies of the Government.

These agencies, the control of which this misnamed and misleading bill proposes to give to the President, never were executive agencies. They were created by the Congress for the sole purpose of enabling the Congress to effectuate its own laws. All of them are either quasi judicial in character or else they are direct agencies of the Congress itself. This bill proposes to make them purely executive agencies to be operated by agents of the President and in accordance with the will and policies of the President and not of the Congress.

The worst possible mistake the House can make in the consideration of this bill is to entertain for one moment the idea that the purpose of it is merely reorganization. That is not its purpose. That is a mere incident. Its purpose is the wholesale transfer of jurisdiction from the Capitol to the White House over every agency included in the bill, from the General Accounting Office to the Veterans' Bureau and the civil service.

Nor should gentlemen be confused or misled by the argument of those supporting the bill S. 3331, that the amended version of it which has been reported to the House from the special committee, and which we are now debating, is different from the bill as it passed the Senate, and that it is, therefore, any less objectionable.

They have argued, for example, that the House committee amendments give the President less authority than the Senate bill gives him to tamper with the Comptroller Gen-

eral, who is the head of the General Accounting Office, which, in turn, is the agency through which Congress now keeps control of the purse strings and through which it is able to prevent in advance any expenditure of money by the Executive for purposes other than that for which Congress appropriated the money. They say this because the bill as passed by the Senate abolishes the General Accounting Office altogether while the House amendment at least pretends to retain that office.

But the fact is there is no difference between the Senate bill, which abolishes the office, and the House amendment which retains it, because in retaining this office the House amendment destroys the independence of that office. The House amendment retains it, with limited authority, but makes it an agency of the Chief Executive instead of an agency of the Congress by giving the President the right to hire and fire Comptrollers General at will.

That is what the House amendment amounts to, and all of the language of the bill concerning the new office of auditor general, who audits expenditures not before but after they are made, amounts to nothing more than words and window dressing. So far as enabling Congress to keep control of the purse strings is concerned, the auditor general is worthless.

The Comptroller General under existing law is responsible to the Congress alone. The General Accounting Office is the agent of the Congress, and is utterly divorced from Presidential influence or interference. When Congress created this office, in order to make doubly sure that it should remain absolutely and forever independent, it provided that the Comptroller General should be appointed for a term of 15 years, that he should not be eligible for reappointment, and that during his term of office he could not be removed by the President under any circumstances whatever, and not even by the Congress itself except by a procedure almost equivalent to impeachment.

But what does this bill do? The Senate bill, as I have said, destroys the office by abolishing it. Under the House amendment the office is just as effectively destroyed by providing that the Comptroller General shall be appointed by the President without term and that he shall be removable at any time by the President with or without cause.

And now comes the joker in this particular part of the reorganization bill. Title IV of the bill sets up a new official, called an auditor general, at a salary of \$10,000 a year, who is nothing more than a glorified bookkeeper and who has no authority whatever to prevent unlawful expenditures of the taxpayers' money. The bill then proceeds to make the Congress a present of this new individual and it very solemnly declares that he may hold office for 15 years and may not be removed except for cause.

What a farce! In my opinion, Mr. Chairman, it would be better to abolish the office of Comptroller General altogether as the Senate bill does, than to make the tenure of his office dependent upon the will or the whim of the Chief Executive, and then to add insult to injury by establishing this office of an auditor general, without any power to protect the Congress, and giving him an unremovable 15-year term of office upon the pretext that he is an agent of the Congress.

I have taken the General Accounting Office merely as a typical example of the betterments which its sponsors claim the House version makes over the Senate version of the reorganization bill. The difference is in form only. The real viciousness of the Senate bill is that it transfers jurisdiction over the several agencies, of which the General Accounting Office is but one, from the Congress to the Chief Executive. That is the fundamental objection to it, and that objection is not removed in any part of this so-called House bill.

Likewise the claim of those who are supporting this bill that the House amendments omit some of the agencies included in the Senate bill is, in my opinion, immaterial to the fundamental issue here involved. The issue is whether Congress shall retain jurisdiction or whether that jurisdiction shall be transferred to the President. The fact that

the House bill involves some agencies not named in the Senate bill, and that the Senate bill includes some agencies not covered in the House bill, is beside the point.

Mr. Chairman, I do not concur in this view. In my opinion the question of possible or even probable dictatorship is definitely involved in the consideration of the bill now before us.

Now, sir, before proceeding further let me make myself perfectly clear upon this point. By dictatorship I do not mean the kind that obtains in Italy or Germany or Russia. I do not mean a dictatorship which includes the concentration camp, the firing squad, and the chopping block. That would be ridiculous. No one fears that kind of dictatorship in America. But everybody knows it is not necessary to have that kind of dictatorship in America in order to establish effective one-man government. And it is in the sense of one-man government, a government in which all effective authority and responsibility is held by one branch of the government instead of being distributed amongst three branches, as the Constitution requires—it is in that sense that I use the term "dictatorship," and it is in that sense that the people of the country use it. The people fear, and they have cause to fear, that the enactment of this bill may be the last step on the road toward a system of government which is alien to the fundamental principles of constitutional representative government and which is violative of the plain provisions of the Constitution prescribing what the form and theory and the system of our Government shall be.

Reminding you again, Mr. Chairman, of the sense in which I use the term "dictatorship," I say that that question is involved in the consideration of this bill when hundreds of thousands of people throughout the country within the last few days have sent messages to their Representatives in Congress, messages expressing their fears and their convictions that enactment of this bill will lead to dictatorship, and urging their Representatives in Congress to defeat it.

Are all these people wrong? Are all their Representatives in Congress who hold the same opinion wrong? Can it be that only the President and his partisans here are right? By what authority and upon what ground do the sponsors of this bill laugh at the fears of the people and deride their opinions?

I say that the question of dictatorship is involved in consideration of this bill when practically the entire press of the country has denounced it and has declared its conviction that enactment of this bill will be another step away from responsible, representative government. Can all the editors of these newspapers be wrong, including those who heretofore have upheld the President in nearly all of his acts? In the face of this overwhelming opinion of the press upon this question by what warrant do the sponsors of this bill say that the question of dictatorship has no place in this debate?

I say further, Mr. Chairman, that the question of dictatorship is involved here when the President of the United States finds it necessary in the middle of the night to arouse sleeping newspaper correspondents in order to give them a copy of a letter which the President wrote to an unnamed friend declaring that he had no inclination to be dictator and that the establishment of a dictatorship was not the purpose of this bill.

When, in the whole history of this country, has a legislative proposal, made not by Congress but by the President, been of such a character as to make it necessary for a President to say that he was not seeking that legislation for the purpose of setting up a dictatorship? When has it been necessary for a President to allay the fears of the people that he might change the form of their government through enactment of a law and without amending the Constitution? If all of these things do not make it plain that the question of dictatorship is involved in this bill, and that it has a place in debate upon the bill, then there is no such thing as logic or germaneness in debate.

Mr. Chairman, it is my opinion and my conviction that we are sitting here today in one of the most solemn and one

of the most crucial moments in the history of this House. I believe that the representatives of the people now assembled in this body are at one of the crossroads in the life journey of this Nation. Already we have gone too far, and as the representatives of the people charged by the Constitution with the duty and responsibility of making the law under which the people of this Nation must live, we are now to make the choice which road we shall take. One road will lead us back to representative responsibility and to representative government. The other road will just as surely lead us in the opposite direction and to a destination, at best, unknown.

One road is the sure road—sure because it is marked with the guideposts of 150 years of successful experience in free government. The other is the uncertain road—the road of adventure, of danger and, perhaps, of destruction. Our sense of responsibility, our sense of duty, our common desire to be faithful to our ideals and to the system of government which has always been peculiarly our own, and which has made us as a Nation great and strong and free—all these considerations, Mr. Chairman, demand of us that at this vital turning point we shall take the sure road. [Applause.]

Mr. GIFFORD. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman, night before last, in the dark, in the middle of the night, the President of the United States disclaimed aims at a dictatorship. The advocacy of lump-sum appropriations in violation of the constitutional provisions that appropriations should be made for the purpose intended, the A. A. A. and its regimentation, the N. R. A. and its regimentation, and many of these other bills and this bill, and the attempt to cram through the Supreme Court packing bill a year ago all constitute a trend toward dictatorship, toward the destruction of representative government, and if the President of the United States does not realize that that is a trend toward dictatorship he is the only one in the United States who does not.

So far as the bill is concerned, before I go into the details of it, the best speech on the bill will not be made by anyone on the floor of the House, will not be made by anyone on the radio or the public platform, but will be made by an accident of the Government Printing Office. I read from the bill, on page 42, at the bottom of the page, line 24:

That this act may be cited as the "Reorganization Act of 1398."

It carries us back to the days of the feudal system. Our liberties are being destroyed, the efficiency of our Government is being destroyed by too much top-heaviness, and they are carrying us back to 1398. That is one time that God's honest truth was told about this bill.

Mr. Chairman, a lot of things have been said here about statements of former President Hoover. Let me read to you a statement that former President Hoover made when he had read this bill:

The destruction of the independent bipartisan Civil Service Commission is a disastrous backward step. That is much less an Executive function than a regulatory function. The Commission in the field to which it has been limited has shown fine efficiency and ability and integrity of purpose over 50 years. Why destroy it?

I shall take up the bill now by itself. I agree that much reorganization and elimination of agencies should be made. In the last 5 years 75 boards and 40 Government-owned corporations have been established. More than two-thirds of them ought to be dumped out of the window. I shall put a list of them in the RECORD at this point so that the membership may see that the progress that has been made has been made toward enlargement of activities and enlargement of expense and not toward cutting down.

The following independent establishments that may be called regulatory commissions have been established: Railroad Retirement Board, Social Security Board, Federal Communications Commission, National Bituminous Coal Commission, National Labor Relations Board, Securities and Exchange Commission, United States Maritime Commission, United States Housing Authority.

The following independent establishments having promotional or advisory functions have been created: California Pacific International Exposition Commission, Central Statistics Board, Emergency Conservation Work, Farm Credit Administration, Federal Housing Administration, National Archives, National Emergency Council, National Resources Committee, National Youth Administration, Prison Industries Reorganization Administration, Works Progress Administration.

The following Government-owned corporations have been created since the New Deal: Reconstruction Finance Corporation Mortgage Co., Commodity Credit Corporation, First Export-Import Bank, Second Export-Import Bank, Corporation of Foreign Security Holders, Home Owners' Loan Corporation, Federal Savings and Loan Insurance Corporation, Tennessee Valley Authority, Tennessee Valley Associates Cooperatives, Electric Home and Farm Authority, Federal Farm Mortgage Corporation, Production Credit Corporations (12), Federal Surplus Commodity Corporation, Federal Prison Industries, Inc., Virgin Islands Co., Federal Subsistence Homestead Corporation (in liquidation), Public Works Emergency Leasing Corporation (in dissolution), Emergency Housing Corporation (in dissolution), Central Bank for Cooperatives, District Banks for Cooperatives (12), Federal Deposit Insurance Corporation, Federal Crop Insurance Corporation, R. F. C. Disaster Relief Corporation, Farmers' Home Corporation.

In addition there have been created in the various departments a large number of bureaus, divisions, branches, services, and administrations.

All told, the number of regulatory commissions, promotional agencies, Government corporations, and new bureaus, divisions, and branches probably total in excess of 75.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. DOWELL. Is it not the purpose of the bill to dispose of those organizations?

Mr. TABER. Certainly not. No proposal has come from the Executive to get rid of any useless board or function, and there are hundreds of them in the Government.

Mr. DOWELL. They are increasing all the time.

Mr. TABER. All the time. Under this reorganization section, the power of the President, if we want to safeguard ourselves, ought to be limited as was proposed by the Wheeler amendment over in the Senate, so that there should be, on the recommendations of the President, affirmative action of both Houses of Congress in a joint resolution before they should become effective. I do not believe that the Congress will refuse to eliminate any useless function or to consolidate functions that should properly be consolidated; but I do not believe that he should be turned loose, where it is necessary to pass a bill with a two-thirds vote in order to get rid of a proposed bad consolidation.

I shall now address myself for just a moment to this proposed welfare outfit. This welfare outfit can have transferred to it \$4,000,000,000 of activities. It will be so cumbersome that it cannot be efficient, and it will lose the effective supervision of all these other activities in the independent agencies or under the Cabinet officers who have them in charge at the present time. It is not for efficiency; it is not for economy. The only efficiency to be promoted would be the consolidated propaganda that would descend upon the House of Representatives and the Senate of the United States for the promotion of projects designed to take money out of the Treasury of the United States. But worst of all are those words in line 11, page 45:

The Secretary of Welfare shall promote the cause of education—

And the word "education", in line 16, indicating that all of those things that could be done under the so-called Federal control of education bill would be authorized. We could have appropriations of funds to be allocated to the States, provided they complied with rules set up by the commissioner of education in this department of welfare. For my own part, I have always stood, sir, in favor of the education of

our youngsters under the control of the people in their own community, where their own parents would have something to say about how the children should be educated. I do not believe in destroying the educational system of the country or of turning it over to a bureaucrat in Washington. [Applause.]

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. MAY. On that very subject of the welfare department, by the language in lines 9 to 16, on page 45 of the bill, 11 different powers are conferred upon the director. May I ask the gentleman if he remembers that last year when this bill was up, before certain funds were to be appropriated to the States that legislation was being written in Washington and sent down to the legislatures of the several States with the request that they pass that particular legislation or not get a dime?

Mr. TABER. That is correct. Here is the situation: Continuous appropriations for relief would be authorized by this. All sorts of irregular practices that should not be made the permanent policy of the Government would be authorized. This whole paragraph ought to be stricken out.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. TABER. I will yield for one question; then I cannot yield further.

Mr. CRAWFORD. Do I understand that under this bill the Federal Bureau of Investigation, which is headed by J. Edgar Hoover, can be thrown under civil service, and that he will have to select his employees for running down kidnapers and desperate criminals through civil-service procedure?

Mr. TABER. It can be done, yes; but let me get to this Budget and accounting feature. While the pending amendment is better than the Senate bill, because the Senate put the whole thing under the Budget, it cannot be placed under the Budget without creating a ridiculous situation. The curse of the thing is that the independence of the Comptroller General is absolutely destroyed by giving him a term during the pleasure of the President. Complaints have been lodged against the Comptroller General. It has been alleged by bureaucrats that he has interfered with administration. The committee went into this situation and found that there was no interference with administration, but that the Comptroller General had refused to let the bureaucrats violate the law and spend money for purposes for which it was not appropriated, and that made the bureaucrats sore. That ought not to be allowed. Let me say to you that if you pass this bill and do away with the fixed, definite term for the Comptroller General and let him serve during the pleasure of the President, that the President all the time will be under twofold pressure, one from the bureaucrats to force the violation of the law, and the other from the Comptroller General and the people to try and make the bureaucrats behave.

It was the object of Congress in providing for the Comptroller General, to have an independent officer who would make the departments hew to the line, an officer with a fixed and definite term during which he could not be removed. This is an absolute necessity if you are going to have this sort of thing.

Now, you get to the auditor general. It is true, as the gentleman from North Carolina told us the other day, that we have not had submitted to us yearly an audit of the expenditures of the different departments and agencies of the Government. Frankly, I think it is a good thing that it be done, but it can be done by requiring the Comptroller General to do this sort of thing. Likewise reports can be made of claims that have been allowed and statements can be made with reference to illegal expenditures by the departments. These can be presented to Congress in regular order in the form of reports if we require it, and this can be provided for by simple amendment of the budgetary law. It is absolutely unnecessary to duplicate the functions of the

Comptroller General's office by setting up an Auditor General if we were to do the right thing and amend this bill with reference to the Comptroller General, keeping the Comptroller General as an independent officer by giving him a fixed, definite term.

I want to talk just a minute or two about the civil-service provision. I shall take but a minute or two on that.

This civil-service provision provides for a single-headed set-up. It provides for all sorts of things with reference to the power of the President to cover into the civil service and take out of the civil service. Frankly, I believe that the set-up of a single-headed commission endangers the jobs of every single civil-service employee who is on the roll at the present time. It makes him subject to becoming a football of politics. We should not do away with the independent, bipartisan Civil Service Commission that we have had for 50 years and which has worked pretty good.

Another thing this does is to set up an advisory board of seven members, which will cost some money, but that board is not given a single bit of power. It would be absolutely useless in every way so far as performing any satisfactory functions are concerned.

Mr. WOLCOTT. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Michigan.

Mr. WOLCOTT. I call the gentleman's attention to the fact that apparently they pay very little attention or give very little regard to the civil-service administrator, inasmuch as they provide a salary of only \$1,000 a year for him.

Mr. TABER. Maybe that is another speech on the part of the Printing Office. I do not believe they intended to cut the head of the Civil Service Commission down to that sum.

Mr. HOLMES. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Massachusetts.

Mr. HOLMES. They would not have to pay that much for a rubber stamp. They could get him for a whole lot less.

Mr. TABER. That is probably so, but we do not want a rubber stamp in there. We want to continue to have a bipartisan civil service board, as we have had in the past 50 years, one that will function, one that will protect the Government, and protect the integrity of the Civil Service Commission. We do not want a commission that will be thrown into the football game of politics.

Mr. HOLMES. As a matter of fact, this provision in the bill will scuttle the civil service?

Mr. TABER. Absolutely. I hope the House will consider this bill very carefully. When the Members of the House consider it carefully I do not believe they will approve the bill. It is not in the interest of efficiency, it is not in the interest of economy, it is not in the interest of the welfare of the civil-service employees, and it is not in the interest of honest administration of government. I hope the Members of the House will turn down the bill when it comes to a realization of just how bad it is, how much damage it will do to our governmental institutions, how much more dangerous and vicious it is than any of us who have had just a little time to study it can imagine.

Mr. SIROVICH. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from New York.

Mr. SIROVICH. Would the distinguished gentleman please tell me who would settle the claims and accounts in this bill, whether that would be the Auditor General, the Treasury Department, or the Director of the Budget?

Mr. TABER. Under the House amendment, the Comptroller General's authority along this line would continue practically as it is. That is, if the House amendment is adopted.

Mr. SIROVICH. What is the House amendment?

Mr. TABER. The House amendment provides for the continuation of the General Accounting Office with a Comptroller General; but it weakens the Comptroller General by making him subject to removal at the will of the President, instead of providing for a fixed term for the Comptroller General of 15 years. This 15-year term would insure his independence. The Budget and Accounting Act provides that the Comptroller General and the General Accounting

Office shall be independent of any executive establishment of the Government. This amendment rewrites that particular section, leaving out the words "independent of any executive establishment." Frankly, I do not like to see the Budget law weakened that way.

Mr. SIROVICH. Would that make the Comptroller General the fiscal agent of the House?

Mr. TABER. No; he would not be the fiscal agent of the House. He would be the fiscal agent of the Government for the audit of expenditures and the audit of claims.

Mr. SIROVICH. What about the Auditor General?

Mr. TABER. The Auditor General would be the agent of the House so far as making investigations and reports are concerned. Frankly, if the Comptroller General is continued as an independent officer I do not believe there would be any need for establishing an Auditor General. I believe a few simple amendments requiring presentation to the House of an annual audit of the expenditures of the departments and of the agencies, together with a definite report as to the claims that have been audited by him, including a report as to those violations of law on the part of the departments which he has discovered during the year, would accomplish all of the needs of the situation.

Mr. SIROVICH. Who would take charge of the preaudit if the Auditor General and Comptroller General did not do the work?

Mr. TABER. There would not be anyone.

[Here the gavel fell.]

Mr. GIFFORD. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, discussion of this bill in the ordinary manner is impossible. Nearly half of the membership on my side of the aisle has expressed a desire to speak, and we of the committee have cheerfully given of our time. I can only speak of a few things, after an entire year's experience as a member of the special committee.

Briefly, we were first faced with the Brownlow committee report demanding for the President such amazing powers that they hid us away secretly for 14 days in executive session without the privilege even of telling our brother Members what we were discussing, lest during the Supreme Court fight the new demand for further vast powers to be given to the President might be made known to the public. There could be no other reason.

The gentleman from North Carolina [Mr. WARREN] yesterday afternoon made the statement, "We are against the Senate bill in toto." Even the Senate bill that has already been passed is opposed completely. He said that they junked the Brownlow report.

Mr. Chairman, the original asking has been greatly curtailed. It was too shameful to be seriously considered. Now we have a bill relatively mild as compared with the original bill or even the Senate bill, but it will go to conference and we must therefore consider both measures as of equal importance in our deliberations.

The gentleman from North Carolina [Mr. WARREN] yesterday brought in the name of Mr. Hoover. Even the Speaker of this House referred to Mr. Hoover's remarks. It certainly does not lie in the mouth of any Democrat to quote Mr. Hoover even for his own would-be advantage. It will not change the vote of a single Democrat.

Certainly no Republican vote will be changed, because we understand the matter. President Hoover worked mightily in 1932 to obey the mandate of the Congress. In December he brought in here a notable report on how he thought the Government ought to be reorganized. It was fully explanatory. Without looking at it the Congress took advantage of the 60 days provision and acted, throwing it entirely out of the window. It was a Democratic Congress, although with a majority of only four Members, they say, but it did this, saying in effect, "We will let our President do this reorganizing. He is coming in on March 4."

Then the gentleman said the Congress voted for something that President Hoover signed on March 3, the day before he went out of office. That is true. But Mr. Hoover did

it for your President, Mr. Roosevelt, who had already been elected.

Then the gentleman said the Republican Attorney General informed him it was not legal to take 60 days and set aside the Hoover report. He said that we did something illegally, that if we told the President of the United States to reorganize the Government along certain lines and he did it, we could not destroy that by any 60-day reservation or by any concurrent action. Only a law of equal dignity, a joint resolution, subject to veto, could undo even what Mr. Hoover had done. But we did not know it or realize what we were doing when we reenacted the economy bill which was signed March 3, 1933. Mr. Mitchell, the Attorney General, is listed as a Democrat, not as a Republican, in Who's Who. If that has any persuasive power, make use of it.

Having perhaps expected a rebuff of that sort, after having done that magnificent work, when Mr. Hoover found what had been done he naturally said "You must pass a law giving the President authority, and that if you were going to leave matters like this, no President could ever do anything."

Small wonder that he said what he did at that time. But do not quote him now. The picture has changed. There was real virtue and many worthwhile features in that bill of 1932, in respect to the power we gave Hoover and later transferred to any President, but now a dreadful gash has been made in those attractive features. The rape of the Supreme Court was the gash. Things are greatly altered now from what they were 4 years ago. So do not reminisce concerning 4 years ago, since the situation is entirely different. We understand now what any President might try to do. The gash is there but the attractiveness is all gone. Do not talk about that beauty any more. It reminds me of a woman's remark, "She had a good deal to say about my loveliness," and the reply, "Oh, yes; you see she is always reminiscing."

I say again, it does not lie in the mouths of the members of the Democratic Party to try to quote Mr. Hoover. Quote the statements of your own President in 1932, when he came into office and we cheerfully gave him these vast powers. We reenacted that law because he had been before the public saying he would cut out many bureaus. He deplored the great indebtedness of the country. He would reduce the public debt. He would not fill the banks with evidences of indebtedness. That was the kind of President you believed you had when we cheerfully reenacted that power. But how he has changed. Now he writes a letter in the middle of the night and calls the newspapermen out at 2 o'clock in the morning to propagandize this Nation and to assure the people—think of it, needing to assure the country about it—that he did not want to be a dictator. In Heaven's name, why did he mention it?

He said later that because of the condition of the people he had to spend money, that because of the condition of the country he had to have more bureaus. Now, a few weeks hence, as is the way of all other dictators, he might say, "I wrote that letter at a time when conditions were different, but because things are getting out of control a strong hand is needed here in Washington." The Lord knows some of us fear he might feel the call to be a dictator, even though now he says, "I am not fitted for it." Just think of it. "I could not be a dictator," he says. Oh, that is nonsense.

The public are aroused. Who aroused them? Psychology is now at work. It is perhaps largely a matter of psychology. But that does not alter the situation. The public are afraid of this bill, and you know it. Members who are already sworn to support the administration perhaps cannot vote otherwise. Members of the committee who, as I pointed out, have brought in this bill, which is possibly harmless as compared to the original bill, must stick by it, I suppose. But I appeal to you to be actuated by a patriotic motive and at least recommit this bill and let it lie in committee for a time longer, until the Nation's psychology is better. Day after day lately the stock market has gone down and down. Everybody is frightened. I was away for a few days last week and met many businessmen. Yes; the people are fear-

ful. It is not so much this bill itself as it is the dread that the House may not be insistent on its own rights and will be supinely willing to take further dictation from the President.

The President speaks of votes being purchased because people send you letters. What about his own propaganda and his own radio speeches? Is he purchasing your vote? No; he who hath received high honors already must see to it—

Mr. BOLAND of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I am very sorry I cannot yield; in fact, I am so sorry that I will yield to the gentleman.

Mr. BOLAND of Pennsylvania. I just want to ask the gentleman if it is not a fact that the Boston Herald has editorially supported the reorganization bill?

Mr. GIFFORD. Oh, we have editors in our camp who have failed us at times. [Laughter.] But almost daily the Boston Post, a Democratic paper, takes issue with this administration so vehemently that those of your party may well pay it heed.

Mr. STACK. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I cannot yield further now. I cannot even discuss the different features of the bill, because I wish, if possible, to arouse some of the patriotic people here to the point where they will vote to recommit this bill.

The value of everything the people own is going down and down. Manufacturing plants are closing. It is chiefly unfortunate psychology. The only thing that can possibly be done at the moment to alter this condition is for us to reassert our independence and thus reassure the Nation. If this power is granted, heads will roll all over the departments of this Government through reorganization and change of duties. As I pointed out on Monday, read that speech of the Senator from Massachusetts, wherein he showed that the personnel, not functions only, can be changed overnight. This whole Government of ours will be in jeopardy for 2 long years, little knowing what will be done, and those ambitious secretaries that we are asked to appoint will cause a lot of trouble, I am sure. I should like to quote the Senator on this point:

The advocates of this transfer of constitutional powers and authority by Congress to the Executive seem blind to the fact that such a course parallels events that have been taking place elsewhere in the world and have contributed to the overthrow of democracies in other countries. It is precisely the same arguments which are advanced here today that have been advanced in other countries to overthrow democracy.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. Briefly.

Mr. KNUTSON. Speaking of industries that have been shut down, is the gentleman aware of the fact that the Roosevelt furniture factory is closed, and I am wondering whether it was closed in order to embarrass the administration?

Mr. GIFFORD. Oh, practically everything is being closed or shut down, and David Lawrence and all the financial writers are unanimous in saying that the cause of the slump in the stock market is chiefly this reorganization, by which we contemplate giving up our rights to the President of the United States. It is a cowardly surrender. I plead with you that you do not make it.

Will you do away with the watchdog of the Treasury and simply put a pet poodle in its place? This is the language of one of the editorials which I have here. The Comptroller General is no longer to be a watchdog, but being appointed by the President can be removed any minute, and it is simply a case of pet poodle versus watchdog. This is well expressed, is it not?

Mr. Chairman, you have a 5-to-1 majority in this House. We Republicans can only appeal to your patriotism. I am sure you are all friends of mine, because I speak what I believe to be the truth and do not hesitate to criticize when I feel criticism is warranted. I am sure you are friendly, I know you believe I am sincere, and I wish to repeat that the conditions of 4 years ago are completely changed. What we

did then is no criterion. The public mind is inflamed. Its viewpoint is entirely different. Great harm will result if we do this thing now; and by refusing to do it, at least for the time being, we shall be doing a wonderful thing toward bringing back at least some slight feeling of confidence in the country.

I cannot tell you how seriously I regard this matter. Men came to me last week whose business it is to advise people where they can invest their money safely. This is their whole job, and they say with conditions as they are, with a country owing \$40,000,000,000 of debt, even a Government bond now looks mighty good to them. Railroad bonds? Think where they have gone.

Can we not do something? This is my whole appeal here. Can we not do something to send forth to this Nation of ours in this hour of discouragement—and it is not a recession, it is not a depression, these figures prove to you it is close to a panic. You must believe it. It must be stopped. You Democrats have it in your power to do it, we have not.

Do not be fooled by this bill you have been presented with here. It goes to conference. You say you will never give up the Comptroller General, but the Comptroller General provided, as explained to you on yesterday by the gentleman from New York [Mr. WADSWORTH] has no power worth mentioning. He is fully under the control of the President, and even after that, if there is a dispute, it goes to the Attorney General of the United States, and his opinion is final. Have we not had decisions enough by the Attorney General backing up this President of ours to prove to us that practically any opinion desired from him by the President will be an approving opinion? No; you have thrown our Comptroller General to the winds. No matter what you may say, you cannot show otherwise.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. DOWELL. If Congress takes away the power of the Comptroller General to compel all the departments of the Government to comply strictly with the law, will it not open the door so that many, many expenditures may be made without curtailment and without the check-up now required of the Comptroller General, and is it not a fact that the Comptroller General has saved the Government many millions of dollars in the administration of his office?

Mr. GIFFORD. Everybody knows that. I protested to the Comptroller General in one case against the junket of co-operatives to Europe. The President himself had ordered the Commodity Credit Corporation to send them to Europe through the use of relief funds belonging to the States. The Comptroller General ruled against the spending of that money, even though it had been ordered by the President himself. He proved his courage and he has proven his usefulness countless other times as well.

True, we ought to economize. We ought to reorganize in the name of economy. But this bill is too covered up with respect to all of these emergency organizations and the idea of putting all these political appointments under the civil service actually to do away with anything. Nothing will really be abolished as a result of it. They will add a department of public welfare, which is frightening even to consider when we think of its potential expenditures. No; they are adding, adding; there is nothing of real economy, which should be the first thing in mind in a genuine reorganization bill.

I plead to the patriotism of the Democratic side of the House. You have the entire responsibility of doing this thing. One gentleman said, "Yes; and we are ready to do it." My friend from New York spoke about the Civil Service Commissioners. It will be lovely when they come to put in a docile, Democratic civil-service administrator for 15 years. I shall thank you gentlemen for your willingness to do that, especially when we come into power. That is lovely, but any person of common sense on the question of policy, knows that a three-, five-, or seven-man board to determine policy is far better than a single docile person entirely under the thumb

or even the appointment of one man. It is too ridiculous to contemplate. We have been told that 12 States today have decided that one man is better, but they do not put him in for 15 years. He goes in and out with the administration, unquestionably. Do not try to put that over on this side of the House with so much pleasure, as the gentlemen seemed to feel yesterday.

Yes; once again America stands at the crossroads.

The decision which the House must now make is one fraught with momentous possibilities. It cannot but influence not only the remote future history of the Nation but the immediate future as well—and this despite the fact that should the measure be enacted, few actual changes can occur for some time. But "thoughts are things." A nation's psychology has a tremendous bearing on its well-being or its ill-being.

The people, like business, are already in a highly "jittery" state. For the moment putting aside the question as to whether or not this pending measure is necessary or desirable, the fact remains there could scarcely be a worse time for this debate to occur, this action take place. This era has not been recorded in history, by general acceptance, as the Roosevelt depression. Whatever the actual truth may be, there can be no question but that a vast and daily increasing number of American citizens are now convinced that the administration's policies have failed dismally in their avowed objectives. Grave uncertainty as to the future of the Nation exists. Surely this is no time to add to the existing anxiety.

The eyes of the Nation are focused upon the Congress. We know that party lines have been rent asunder. Real patriotism—a determination to save American democracy and our republican form of government, even in the face of possible political oblivion, is a common occurrence. The action taken by the Congress in the matter of the Supreme Court brought a ray of hope and restored confidence to the Nation. Will the events of this week strengthen this confidence or utterly dispel it?

It would be a wonderful thing if this matter could be debated and decided on pure reason and patriotic grounds, divorced from partisanship, prejudice, or personalities. The decision should be reached on such basis, of course, uninfluenced by hope of benefits or fear of punishment. Most unfortunately, however, this cannot be. The gentleman at Warm Springs, Ga., has himself made this impossible by his gratuitous insult to the Congress—a body coequal with the Executive—and by his utterly amazing piece of personal propaganda to receive and broadcast which the sleeping gentlemen of the press were called from their beds at 2 o'clock this morning. Shakespeare, as always, had words to fit this incident, "Methinks the lady doth protest too much." The situation is also reminiscent of the phrase "Thrice was Caesar offered the crown and thrice did he refuse it." We naturally hope that the President means every word in that letter to the anonymous recipient and will continue to mean them. Doubtless such was the case when he penned the pithy phrases. But the pages of very recent history unfortunately record a great many incidents which plainly indicate that the President frequently changes his mind—to put in mildly. Definite pledges and promises have not been always kept. This is an incontrovertible fact. Of course, there can be but one meaning assigned to this most recent assertion and pledge. It was deliberately intended to influence the action of the House today—a frantic effort to lay to rest certain uneasy and justifiable fears. And as the sort of propaganda which the President has sharply criticized on the part of opponents of his reorganization plan, it goes even further than the passionate and persuasive appeal made over the radio the night before the measure was passed in the Senate by its author. You will recall that after criticizing another for urging patriotic Americans to flood the offices of the Senate with telegrams objecting to the passage of the bill he urged his listeners to flood them with wires urging its enactment. Apparently

this did not happen, according to what we hear. And as for the messages which we have been receiving being inspired propaganda, I would ask what personal or pecuniary benefit would their senders receive? We have known times when propaganda was obviously inspired and the wording of appeals or protest was often identical. In this instance, however, such is certainly not the case. They represent a patriotic sacrifice of time and money, even if only 3 cents for a postage stamp. My own files disclose the fact that not one of the hundreds who have written or wired me about this matter is in favor of the pending measure. All are opposed to it.

This House is faced today with another great responsibility and a great opportunity. The Republicans are willing to aid courageous and truly patriotic Democrats who will attempt to withhold from the President vast additional powers. He has desired complete control of all governmental agencies. The Congress itself, after painstaking and careful consideration, set up these instruments of government. The Congress should carefully preserve its independence and the power to abolish, transfer, or change the functions thereof. This may be a slower process, but far safer than to subject these agencies to the whim of any President. Under the plan proposed there is not even a pretense advanced that it would make for any economy. In fact, the bill proposes to set up an entirely new department with all the dignity and expense accorded to those of similar importance. The Nation views with alarm the granting of this contemplated power to a President who has demonstrated his great ambition to control the entire affairs of the Nation and who has resorted to unheard-of demands upon the Congress for more and more power, even after the so-called emergency period had expired.

The situation regarding this measure has vastly changed during the last several months. The public is now fully aroused as to its real purpose. The Republicans on the special committee have begged for a few days' delay in order that the public might at least be informed that the House committee will not report the Senate bill. Indeed, the Democratic members of this committee have shown real courage and have refused to yield to many of the extraordinary demands made by the President through the Brownlow committee. The joint committee of the House and Senate held several weeks of closed hearings and the members were practically sworn to complete secrecy. Copies of the bill under discussion were not given to the public for some 11 months. Evidently this was thought to be wise, inasmuch as the public was inflamed at the moment over the Court bill and this double grab for most extraordinary power would have further shocked the Nation. I have since learned that a paltry 2,000 copies of those hearings have been available for distribution, but the public conscience was not aroused until open hearings were held by the Senate committee, and as the debate in the other body has progressed during the last month a tremendous volume of opposition has made itself felt. In spite of the great pressure upon Senators and the genuine worry lest their failure to support the President would endanger their chances of reelection, the vote in that body was close, indeed. It clearly shows the disturbance which the proposal has caused and that in the present unhappy lack of confidence it would seem to be our plain duty at least to pigeonhole this legislation, as has been suggested by one of our able Democratic leaders. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. BACON. Mr. Chairman, I desire to submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BACON. As I understand it we are proceeding under the rules of the House where it is within the province of the Chair to recognize any Member he may see fit to recognize for 1 hour. Am I correct in that?

The CHAIRMAN. Of course the gentleman from New York is aware of the fact that in the exercise of discretion by the Chair, the Chair must reasonably recognize certain rules

and customs and give recognition first to members of the committee. The present incumbent of the chair feels it is desirable and a proper custom to follow.

Mr. BACON. That does not answer my question, Mr. Chairman. I fully appreciate that members of the committee should have prior rights to recognition, but nevertheless under the rules of the House it is within the province of the Chair, is it not, to recognize any Member he may see fit to recognize for 1 hour?

The CHAIRMAN. It is entirely within the discretion of the Chair and the Chair is exercising his discretion.

Mr. BACON. Mr. Chairman, after the members of the committee have been recognized, and I recognize their prior right, can the Chairman give me any assurance that he will recognize me for 1 hour?

The CHAIRMAN. The Chair cannot and will not give assurance to anyone as to whom the Chair will recognize.

Mr. BACON. In other words, it is the intention to shut off Members from discussing this important question after the members of the committee have been duly recognized, as is their prior right, according to custom?

The CHAIRMAN. The Chair feels that the use of the phrase "shut off" is rather severe. It does not fairly interpret the state of mind of the present incumbent of the Chair. The Chair will exercise his discretion when the time arrives.

Mr. BACON. Will the Chair suggest how an individual Member of the House can obtain recognition?

The CHAIRMAN. For the benefit of the gentleman from New York, the present incumbent of the chair feels that after the recognition of the gentleman from Kentucky, Mr. FRED M. VINSON, who is a member of the committee, then, if the Committee proceeds as it is now doing, the Chair will recognize some member of the Republican Party in opposition. For the further benefit of the gentleman, the Chair would feel that under those circumstances courtesy would prompt him to consult with the minority leader. The Chair has done so.

Mr. BOILEAU. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BOILEAU. The Chair just said that after the gentleman from Kentucky [Mr. FRED M. VINSON] is recognized, the Chair would recognize some member of the Republican Party. I have been seeking recognition and I am a member of neither the Republican nor the Democratic Party. I am a member of the Progressive Party. I call the attention of the Chair to the fact that if the Chair intends to alternate between Democrats and Republicans he ought to state when he intends to recognize third-party members, and I ask the Chair whether third-party members, members of the Progressive Party and the Farmer-Labor Party, are entitled to a hearing.

Mr. O'CONNOR of New York. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. I have propounded a parliamentary inquiry to the Chair. When is it the intention of the Chair to recognize Progressives and Farmer-Laborites?

The CHAIRMAN. The Chair in answer to the gentleman's parliamentary inquiry calls the attention of the gentleman to the reply the Chair made to the gentleman from New York [Mr. BACON]. It is a matter of discretion with the Chair, and the Chair is unable to answer the gentleman's inquiry except to say that if the debate continues the way it has the Chair will exercise its discretion.

Mr. BOILEAU. Will the Chair permit a further parliamentary inquiry? The Chair has already recognized two Democrats and two Republicans and has indicated that the Chair is going to recognize now one Democrat and then one Republican. In view of the fact that the Chair has made that very definite policy in the consideration of this bill, alternating between Democrats and Republicans, and has stated that he intends to recognize another Democrat and another Republican, in all fairness, Mr. Chairman, I believe that we are entitled to know whether or not the Chair has

any intention whatsoever of recognizing a Progressive, or a Farmer-Laborite? I desire recognition and request to be considered in that respect if it is the purpose of the Chair to consider minority parties. After all—

The CHAIRMAN. Has the gentleman finished his parliamentary inquiry?

Mr. BOILEAU. One thing further, Mr. Chairman.

The CHAIRMAN. The Chair appreciates the force of the gentleman's argument but does not feel that it is necessary.

Mr. BOILEAU. One further inquiry, if the Chair will permit. The minority leader—

The CHAIRMAN. If the gentleman will permit, the Chair will answer the pending inquiry of the gentleman from Wisconsin. The gentleman from Wisconsin misconstrues the mind of the Chair when the gentleman says that the Chair has a fixed policy in recognition. The gentleman might infer that, but the gentleman is incorrect in his inference. The Chair has no fixed policy. The Chair has frankly stated that after recognizing the gentleman from Kentucky, the Chair would recognize a Member of the Republican Party, a minority party.

Mr. BOILEAU. I did not quite hear the Chair's statement.

The CHAIRMAN. Of the minority party, the ranking minority party, the Chair will put it that way. [Laughter.]

Mr. BOILEAU. Mr. Chairman, may I propound a further parliamentary inquiry? I think in all fairness we are entitled to have this clarified for the moment. The Chair stated that in recognizing a Republican Member he would consult with the Republican leader. I wish to say that I would be very glad, having been honored with the designation by Members making up the Farmer Labor Party, as their floor leader, to consult with the Chair as to whom he shall recognize among the Farmer-Laborites and Progressives. [Applause.]

The CHAIRMAN. The Chair appreciates the suggestion of the gentleman from Wisconsin, and if the Chair desires the advice of the gentleman in consultation the Chair will seek it.

Mr. O'CONNOR of New York. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. O'CONNOR of New York. In view of the fact that there are four and seven-tenths as many Democrats in this House as there are Republicans, and seventeen and four-one hundredths as many Democrats as there are Progressives, when is the ordinary, run-of-the-mine Democrat going to be recognized? I contend that outside of the committee if the Chair goes to the other side of the House, as it should within reason, that some time some ordinary Democrat might be recognized. I have a superstition about speaking after sundown. [Laughter.]

The CHAIRMAN. Is the gentleman making a parliamentary inquiry?

Mr. O'CONNOR of New York. That is my inquiry.

The CHAIRMAN. Will the gentleman restate his parliamentary inquiry?

Mr. O'CONNOR of New York. When is an ordinary, common, garden variety of Democrat going to be recognized? [Laughter and applause.]

The CHAIRMAN. Is the gentleman from New York referring to himself when he makes that inquiry?

Mr. O'CONNOR of New York. Yes; and I could go further in the description. [Laughter.]

The CHAIRMAN. The Chair appreciates the modesty of the gentleman from New York. The Chair will state simply that after the Chair has recognized all members of the committee who desire recognition, if the Committee is then proceeding as it is at present, that the Chair, recognizing the modesty of the gentleman from New York, would probably feel constrained to give him recognition so far as the Democratic side is concerned.

Mr. O'CONNOR of New York. That is very nice of the Chair.

The CHAIRMAN. The gentleman from Kentucky [Mr. VINSON] is recognized for 1 hour.

Mr. STACK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Pennsylvania for that purpose?

Mr. FRED M. VINSON. The gentleman from Kentucky declines to yield.

The CHAIRMAN. The gentleman from Kentucky is recognized for 1 hour.

Mr. FRED M. VINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Chairman, yesterday—

Mr. MASON. Mr. Chairman, a parliamentary inquiry.

Mr. COCHRAN. Mr. Chairman, I decline to yield for the moment.

Mr. Chairman, yesterday, following the remarks of the gentleman from Ohio [Mr. LAMNECK], I received a message unsolicited.

Mr. DOWELL. Mr. Chairman, a point of order.

Mr. COCHRAN. Mr. Chairman, I refuse to yield.

Mr. DOWELL. The gentleman will yield for a point of order, will he not?

Mr. Chairman, I desire to make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DOWELL. Mr. Chairman, I make the point of order that the gentleman from Missouri, having already made one speech on this question, is not again entitled to the floor until all others who desire to speak on the bill have been heard.

The CHAIRMAN. The Chair calls the attention of the gentleman from Iowa to the fact that the gentleman from Missouri was recognized in his own right on a previous day, whereas at the present moment time has been yielded to him by the gentleman from Kentucky, who has control over 1 hour.

Mr. DOWELL. But the gentleman from Missouri was yielded time in his own right and he yielded the time to himself. He now undertakes to occupy the time of others who have not spoken on this question.

The CHAIRMAN. For the reasons stated by the Chair the point of order is overruled.

The gentleman from Missouri is recognized for 5 minutes.

Mr. COCHRAN. Mr. Chairman, following the speech of the gentleman from Ohio [Mr. LAMNECK] yesterday, I received an unsolicited statement concerning part of his remarks.

I ask unanimous consent that the Clerk read in my time the statement, which is very brief.

The CHAIRMAN. Without objection, the Clerk will read the statement.

Mr. STACK. Mr. Chairman, a point of order.

Mr. COCHRAN. Mr. Chairman, I make the point of order that the gentleman's point of order comes too late.

The CHAIRMAN. The gentleman will state his point of order.

Mr. STACK. Mr. Chairman, my understanding is that the gentleman is going to read a statement not his own. Under the rules of the House he cannot do this except by unanimous consent.

Mr. COCHRAN. Mr. Chairman, I make the point of order that the gentleman's objection comes too late. I propounded the request, the Chair put the request, and there was no objection.

The CHAIRMAN. The Chair submitted the unanimous-consent request and there was no objection.

Mr. STACK. I did not hear it.

The CHAIRMAN. The Chair will submit the question to a vote of the Committee.

The question was taken, and the Committee decided in the affirmative.

The CHAIRMAN. The Clerk will read the statement.

The Clerk read as follows:

STATEMENT OF THE RIGHT REVEREND MONSIGNOR MICHAEL J. READY, GENERAL SECRETARY, NATIONAL CATHOLIC WELFARE CONFERENCE

The chairman of the administrative board, National Catholic Welfare Conference, Archbishop Edward Mooney, has authorized me as general secretary to say that the administrative board, Na-

tional Catholic Welfare Conference, has always on principle opposed the conferring of administrative control on Federal educational agencies. If, therefore, the present reorganization of the executive department bill does not extend the powers and functions of these agencies beyond fact-finding and dissemination of information, as at present exercised, there is no reason to suppose that Catholic interests as such are concerned in the legislation. In evaluating any protests from Catholic sources, it would be well to investigate whether these protests have been provoked by misinformation in regard to the bill.

Mr. COCHRAN. Mr. Chairman, statements to the effect that there is anything in this bill that changes existing law as to the operations of the Bureau of Education are simply confusing the issue. When the President sent here a few days ago for the information of the House, and without his endorsement, the report of the Advisory Committee on Education, one Member took the floor and called the attention of the House to the committee report. That Member happened to be myself. I told the Members of the House of Representatives at that time if the recommendations of that committee were followed and if Federal aid to education was provided by the Congress, ultimately the control of education in this country would be in the hands of a bureaucrat in Washington. I warned the Congress to be extremely careful of the enactment of such legislation and I say now, Mr. Chairman, until the Congress of the United States by specific act changes existing law there is absolutely no fear of a Federal official dominating State or local educational facilities in this country. There is nothing in this bill that in any way approaches such an idea. There is nothing in this bill that would enable anyone to administer the laws under which the Bureau of Education is operating other than as it is being conducted today.

Mr. WARREN. Will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from North Carolina.

Mr. WARREN. In view of the whispering campaign that has started this morning about section 5, page 45, I point out to the gentleman from Missouri and to the committee that section 5 merely sets up and defines the standards of the new departments. It does not enact one single thing into law and, as the gentleman from Missouri has so well stated, anything else pertaining to education must come through an act of Congress.

Mr. TABER. Will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from New York.

Mr. TABER. It says right in there specifically, does it not, "To promote the cause of education," which language is broad enough to cover almost anything?

Mr. COCHRAN. I do not agree with the gentleman from New York, other than to promote the cause of education as existing law provides.

Mr. TABER. It is very plain.

Mr. COCHRAN. I feel I have given every evidence of being absolutely fair in debate. No statement I have made can be in the least construed as misleading in any way. Let us debate this matter on its merits. If we cannot show beyond question the soundness of this legislation, then I do not ask you to support it. It is my hope that those opposed will follow the same course. As I stated yesterday, we seek only to do that which business, large and small, individually, and through their organizations, have been demanding that Congress do. Dictator—why, did you read the statement of former President Hoover? He stated on his arrival he did not share the opinion that the bill would mean dictatorship. He reminded you that he had always favored the reorganization of the various departments and agencies. Mr. Hoover's experience, not only as President but as Secretary of Commerce, justifies us to accept him as a competent witness.

Let me quote briefly from an editorial in the St. Louis Post-Dispatch, a paper which, I regret to say, in recent years has not given the President the support it did in the first 3 years of his administration. Speaking of one phase of the opposition, the editorial said:

Most far-fetched of all has been the attempt to build this up into another Supreme Court fight. The President's Court bill

would have violated the spirit of the Constitution by permitting the appointment of six new Justices to lifetime seats, for the express purpose of bringing the majority on the Court into line with the views of the Executive. The reorganization bill proposes no power remotely comparable, in kind or degree, to that carried in the Court bill.

I quote the concluding sentence of the editorial:

Meanwhile, the central aim—efficiency and order in haphazard administrative Washington—is thoroughly sound and not to be lost sight of in partisan or personal politics.

[Here the gavel fell.]

Mr. FRED M. VINSON. Mr. Chairman, it will be my purpose to discuss the title of the bill which deals with the General Accounting Office. I have served in this House for seven terms. Before I was selected as a member of the Select Committee on Reorganization by the Speaker of the House, I believe I had average knowledge as to the functioning of the General Accounting Office. Having also served on the Committee on Appropriations, I had some intimate relations with the General Accounting Office and its functioning. I say to you frankly that I did not know very much about the mechanics of that Office. I was not very well informed in respect to the history of the General Accounting Office. When I became a member of the select committee, I had the same thought in mind that is in the minds of many of you with reference to having maximum control in the legislative branch over the moneys appropriated. I still am actuated by the same thought. I thought that because of the history of the Anglo-Saxon race and the fights that have been made through the centuries to retain in the representatives of the people control over the purse strings.

There has been much misunderstanding as to what the functions of the General Accounting Office are and what this bill does. We hear the cry of "dictatorship." That if the House bill is passed the Executive is going to be given a big stick and the legislative power lessened.

Mr. Chairman, instead of decreasing the legislative power or legislative control over appropriations by the passage of the House language, in my opinion the control of the legislative branch will be increased. I propose to demonstrate that to you.

The question of appropriations and expenditures, the question of the power of the Executive in regard to spending, the power of the legislative in regard to appropriating and controlling expenditures are questions that are centuries old. In the First Congress a great lawyer who has left his imprint upon the lives of Americans now gone and on the lives of Americans yet to be born, James Madison, offered an amendment to give the Comptroller of the Treasury a definite tenure of office.

The remarks of Mr. MADISON as reported (1 Annals of Congress, p. 611) were as follows:

It will be necessary, said he, to consider the nature of this office, to enable us to come to a right decision on the subject; in analyzing its properties we shall easily discover they are not purely of an executive nature. It seems to me that they partake of a judiciary equality as well as executive; perhaps the latter obtains to the greatest degree. The principal duty seems to be deciding upon the lawfulness and justice of the claims and accounts subsisting between the United States and particular citizens: this partakes strongly of the judicial character, and there may be strong reasons why an officer of this kind should not hold his office at the pleasure of the executive branch of the Government. * * *

Mr. Sedgwick and Mr. Benson, however, were unable to observe any distinction between the Comptroller and any other executive officer. Indeed, Mr. Benson said that—

by devices of this kind (restricting the President's power to remove the Comptroller of the Treasury) * * * the legislature might overthrow the Executive power (1 Annals of Congress, p. 613).

Apparently the majority of the House agreed with the views of the latter two gentlemen for Mr. MADISON did not press his argument vigorously but withdrew his motion on the following day and the Comptroller of the Treasury in the act establishing that office was constituted a subordinate officer in the executive branch of the Government, removable at the will of the President.

As a matter of fact the question of control over public money was much discussed in the Constitutional Convention. It is very apparent that the framers of the Constitution did not intend for Congress to supervise the expenditures of public funds as a proposal was made in the Convention that the Constitution give to the Congress the power to appoint a Treasurer, so that Congress would have control of the public moneys. Col. George Mason, a great Virginian, argued in favor of that suggestion, maintaining that the public funds belonged to the people and that Congress, as the people's representatives, should appoint and control the officers charged with their custody. The suggestion did not meet with the majority approval of the Convention and was defeated (Documentary History of the Constitution of the United States of America, vol. 3, pp. 548, 743).

So, from the First Congress up to 1921—131 years—all the control of expenditures and the power of audit were in the executive branch of the Government, in the Treasury of the United States. I have never heard anyone say that during those 131 years any element of dictatorship had grown up. For 131 years after the First Congress the control and audit of expenditures was in the executive branch of the Government, in the Department of the Treasury.

Until 1894 the preaudit or the advance decision did not have any binding effect upon the Comptroller. Then you had the Dockery Act, and the advance decision was made binding upon the Treasury. Then you had the six auditors appointed, and the Treasury controlled and audited the expenditures.

What does "control and audit" mean? When I first started this study it did not mean much to me. I heard men who had given the matter a great deal of thought for many years talk about "control and audit," and that phrase was just a couple of words joined together by the conjunction "and." But the words mean just that—"control" of expenditures, and the "audit" of the accounts to see whether the money has been spent properly.

In "control" you have an executive function, and up until 1921, and I may say up until today, both control and audit has been an executive function. Oh, I know our friends say the Comptroller General of the United States is a legislative officer. If you will read the opinions of the courts you will find that regardless of what you call an officer his functions determine whether he is a legislative or an executive officer. The functions of the Comptroller General under the 1921 Budget and Accounting Act are executive.

Until the Budget law was passed, and up until this date, you have had control and audit in the same group. Until 1921 it was in the Treasury, and since 1921 it has been in the General Accounting Office. The Comptroller General determines the availability of an appropriation and he audits the account. In other words, he passes on the correctness of his own acts. This is the reason the Congress has not received any information in regard to the improper or the illegal expenditure of funds. What would you think of this situation? Suppose you are a stockholder in a bank and the cashier runs the show, lending the money and passing on the collateral. He determines how the money shall be loaned and invested.

Then after he acts, it is made his duty to report to the Government on the value of the property owned, or the security on the note, passing on his own acts or the correctness of his accounts. Why, you have a bank examiner who goes into the bank and makes an independent audit of the accounts. He then reports his independent judgment relative to the conduct of the business, thereby protecting the depositors and stockholders from the man who controls the business.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. FRED M. VINSON. In just a moment.

Much has been said about the Brownlow committee, and someone spoke about a bill that was prepared by the members of that committee. I want you to get it straight that they did prepare a bill and brought it to the joint committee,

but it did not last until the water got hot. A casual glance at it told every member of that committee, as far as I know, that the bill would not even be considered. Then a new bill was presented, and it was some better. But that bill is not the bill under consideration here and is not the bill that passed the Senate.

My friend from Massachusetts [Mr. GIFFORD], a splendid gentleman, made the statement that the House bill in comparison with the Brownlow bill was harmless. I state, in my opinion, the Senate bill is better than the Brownlow bill and the House bill is better than the Senate bill.

I will give you a little history in regard to this bill. It is said we have not had hearings on the bill now under consideration. We had hearings for 13 days before the joint committee. I show you 414 pages of hearings before the joint committee mainly on the General Accounting Office. There were also 10 days of hearings before the select Senate committee of 484 pages. Then there were many days' hearings before the Byrd committee of the Senate, the preliminary report containing 1,085 pages.

Mr. PETTENGILL. Mr. Chairman, will the gentleman yield?

Mr. FRED M. VINSON. Yes; I yield to the gentleman from Indiana.

Mr. PETTENGILL. Will the gentleman admit that nobody outside of members of the President's Committee on Executive Management and two men from the Brookings Institution was heard by the gentleman's committee? Nobody from the American Federation of Labor, nobody from the Comptroller General's Office, and nobody from the National Grange was heard.

Mr. FRED M. VINSON. The gentleman has asked me the question.

We met in executive session and started the preliminary hearing with the members of the President's committee and representatives of the Brookings Institution, representing divergent views. It was understood the hearings were to be executive. When they testified, it was determined by the committee that the matter would be made public. Two thousand copies of these hearings were published and made available to the public. The House committee finally found we were not going to town. Your House committee, being very desirous of upholding the prestige and the dignity of this body, decided, "We will prepare our own bill." We came back here and prepared two bills, which the House passed last August—one by a vote of 283 to 75 and the other by a vote of 260 to 88. They were the delegation-of-power and the six-secretaries bills. We also prepared the General Accounting Office bill and the Civil Service Commission bill. We reported these bills from our committee, and those reports have been available since August 19, 1937.

Now, let us compare our General Accounting Office section with the Brownlow report. The Brownlow committee recommended we put the control features of the General Accounting Office in the Treasury. They recommended that the General Accounting Office be abolished and the control functions be put back where they were for 130 years before the Budget and Accounting Act, and then set up an Auditor General to make a post-audit. Some of us did not like this. Some of us felt that the General Accounting Office, despite the criticism, had merited continued existence and by and large had done a good job, even though they had not done what they were set up to do. By our acts, we said we do not believe the General Accounting Office ought to be abolished. We are not for putting its control functions in a spending department of this Government, a big spending department.

Oh, I know our friends over on this side say, "Yes, you retain the General Accounting Office but you make it an executive office. The Comptroller General can be removed." Mr. Chairman, the power of the President of the United States, inherent by virtue of the Constitution, gives him the right to remove an executive officer at his pleasure—*Myers v. United States* (272 U. S. 52).

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. FRED M. VINSON. I yield.

Mr. SIROVICH. The gentleman has made a very wholesome and constructive address to the House. I would like to call his attention, however, to one thing that seems to be confusing to most of the Members of Congress regarding this reorganization bill.

This reorganization bill embodies five principles: First, it permits the President to have more secretaries, which very few people will controvert; second, it gives an opportunity for the development of the civil service upward, downward, and outward through the assignment of one Civil Service Administrator—no one should object to this; third, it gives an opportunity for the creation of a general welfare department that will look after the public welfare, which is something that is found in most of the civilized nations of the world; fourth, it reorganizes from 110 to 115 different agencies and for efficiency and economy provides for their placement in 12 different departments.

Then, fifth, we come to the three things that confuse the Members of the House, and are highly controversial, and they involve the Comptroller General's office.

Will the gentleman first explain to the House why the pre-audit which the Comptroller General had before has been taken away from him; and, second, why we have not a uniform system of bookkeeping and accounting for every agency of the Government, and third, why under article I, section 8, of the Constitution, which gives the Congress the right to pay debts, this privilege of settling claims and debts has been taken away from the Comptroller General?

Mr. FRED M. VINSON. I am pleased that my friend from New York has asked me those questions because the first question and the last question relate to things that just have not happened.

I am particularly appreciative of the gentleman inquiring why the function of pre-audit has been taken away from the Comptroller General in the House bill, because that has not happened.

Mr. SIROVICH. That is the statement that has been made by previous speakers on both sides of the house. Will you kindly clarify these misconceptions that have confused most of us?

Mr. FRED M. VINSON. I know; but it is a misstatement because under this bill the Comptroller General will have the same power of pre-audit and the same power to issue advance decisions as he has under existing law. There is not a word in the existing law that states that the Comptroller General shall have authority over the availability of appropriation, and we write that language into this bill. This is done because there is confusion.

The Department of Justice sometimes writes opinions in regard to the availability of appropriations. Now, for the first time, it will appear on the books, if this measure passes, that the Comptroller General shall have the power exclusively to determine the availability of appropriations, but in that same paragraph we say that the Comptroller General shall not have the right to revise the findings of facts by executive heads; in other words, will not have the power to override and overrule the express language of the Congress when Congress places discretion in the hands of an executive agency. In regard to the settlement of accounts, we have written into this bill as clearly as the English language can make it that the power to settle accounts remains in the office of the Comptroller General. In regard to forms, we have a section that gives the Comptroller General power to prescribe the form and manner in which accounts shall be submitted to the General Accounting Office. The Secretary of the Treasury shall prescribe the form, system, and procedure for administrative appropriation and fund accounting in the other branches of Government.

Mr. SIROVICH. Then the opposition is all wrong which contends that preaudit and settlement of claims is taken away from the Comptroller General?

Mr. FRED M. VINSON. No well-informed man will take his place on this floor and say that the power of preaudit, the power to give advance decisions, and the power to settle claims and accounts are not in the Comptroller General. Let me tell you their "out." They say that under this bill—and it is true—we make of the Comptroller General an executive officer, and my friend from New York [Mr. WADSWORTH] yesterday was very careful to say, when he was dealing with the question of the preaudit and settlement of accounts, that it would not be done by the Comptroller General in the name of Congress. That is where this question of control and audit comes in. I propose to convince you by eminent authority that control of expenditures is an executive function under our system of government. I wish to hand you some authority that ought to be pleasing to my friends on the left side of the aisle. I start with Alexander Hamilton as an early authority that the control of expenditures ought to be in the executive branch of the Government. I quote from *The Federalist* (No. LXXII, Hamilton's Works, p. 450):

* * * the application and disbursement of public moneys in conformity to the general appropriations of the legislature * * * constitute what seems to be most properly understood by the administration of government. The persons, therefore, to whose immediate management these different matters are committed ought to be considered as the assistants or deputies of the Chief Magistrate, and on this account they ought to derive their offices from his appointment, at least from his nomination, and ought to be subject to his superintendence.

I refer you to the Mason episode in the Constitutional Convention and the Madison amendment in the First Congress, which I have heretofore discussed. Then I submit 130 years of functioning under the Executive. It seems more than passing strange to me that during this entire period of time that there should be no question raised as to the propriety of this responsible work being under the complete control of the Executive. Then I submit the Supreme Court case of *Myers* against *The United States*, supra, which deals with the powers of the Executive.

I quote from this case, as follows:

* * * Article II grants to the President the executive power of the Government—i. e., the general administrative control of those executing the laws, including the power of appointment and removal of executive officers—a conclusion confirmed by his obligation to take care that the laws be faithfully executed * * *.

Then I submit for your consideration the case of *Springer v. Philippine Islands* (277 U. S. 189). The question involved was the management of property of the Government. It was held to be an executive function; one that could not be exercised by the legislature or any member thereof. In so holding, the Court said—pages 202, 203:

Legislative power, as distinguished from executive power, is the authority to make laws but not to enforce them or appoint the agents charged with the duty of enforcement. The latter are executive functions. * * * It (the legislative power) must deal with the property of the Government by making rules and not by executing them.

Then I go out into Colorado and I cite the case of *Stockman v. Luddy* (55 Colo. 24, 129 Pac. 220), dealing with the expenditures connected with water rights, and I say to my friends from the West, could there be anything more seriously safeguarded, more necessary to look after, than the water that permits man to live out there in those arid lands? The Legislature of Colorado attempted to tie a string on the appropriation, to see that the disbursements made were spent as the legislative body wanted it to be spent. They set up a committee of the legislature to supervise the spending so they would know it was spent right. The supreme court of that State said that it could not be done, directly or through an agent; that such supervision was purely executive.

I refer to the case of *The People v. Tremaine* (252 N. Y. 27, 168 N. E. 817), the decision being written by Judge Pound, a famous jurist in the State of New York, and upon that court then sat Mr. Justice Cardozo. They went into the question of the power of the legislative branch to tie a string onto a dollar after it had appropriated it.

The present Chief Executive of the United States was then Governor of the State of New York. The legislature appointed a committee, as I recall, and perhaps some of our friends were there, made up from members of the house and the senate, to allocate a lump-sum appropriation so that the then State Legislature would see that the money was spent as they, rather than the executive, would spend it. The court said that was unconstitutional. I quote just a short statement from the opinion written by Judge Pound:

* * * The duties here assigned to the legislative chairmen are administrative duties and are not mere incidents of legislation. The legislature has not only made a law; i. e., an appropriation—but has made two of its members ex officio executive agents to carry out the law; i. e., to act on the segregation of the appropriation. This is a clear and conspicuous instance of an attempt by the legislature to confer administrative powers upon two of its own members. It may not engraft executive duties upon a legislative office and thus usurp the executive power by indirection (*Springer v. Philippine Islands*, 277 U. S. 189, 48 S. Ct. 480, 72 L. Ed. 845 * * *).

The legislative power appropriates money, and, except as to legislative and judicial appropriations, the administrative or executive power spends the money appropriated. Members of the legislature may not be appointed to spend the money.

Mr. Justice Crane in his concurring opinion said:

The question is whether after having made an appropriation, having authorized an expenditure, the legislature can follow it up, and, through a committee or a single member, take the control or manner in which the appropriation shall be disposed of. There is one thing, however, it cannot do, and that is implied, if not expressed in our Constitution. It cannot exercise the function of the Executive, it cannot administer the money after it has been once appropriated.

There is a very illuminating opinion on this question of division of powers written by Attorney General William D. Mitchell (37 Ops. Attys. Gen. 56). He held invalid a proviso in an act appropriating funds for internal-revenue-tax refunds under which the Joint Congressional Committee on Internal Revenue Taxation was required to pass upon certain refund claims allowed by the Commissioner of Internal Revenue. He concludes that when Congress passes an appropriation to be used for the payment of refunds it could have no part in the determining of such claims for refund. Such refunds he held to be executive in character.

During the administration of Woodrow Wilson it was recognized that the legislative branch of the Government had no information relative to the expenditures of the executive branch. Congress had no check upon it—had no way of knowing how much money was spent or whether it was properly spent. Congress thought it should have that power. It is a power that Congress is entitled to have. It is a power that Congress can have. It is a power that Congress will have, if you pass the provisions of this bill.

Everyone will remember that Woodrow Wilson conceived the idea of the Budget and Accounting Act which was passed in the latter days of his administration. Prominent gentlemen throughout this country came here and testified on the subject before committees. Their thought seemed to be that there should be an independent audit so that Congress would know how that money was being spent. That bill was passed. It went to the President for signature, but because of language contained in the bill that did not give the President of the United States power of dismissal of the Comptroller General, Woodrow Wilson vetoed the bill and put to death his own brain child. I present his veto message at this point.

President Wilson's veto message, Sixty-sixth Congress, second session:

To the House of Representatives:

I am returning without my signature H. R. 9783, "An act to provide a national budget system, an independent audit of Government accounts, and for other purposes." I do this with the greatest regret. I am in entire sympathy with the objects of this bill and would gladly approve it but for the fact that I regard one of the provisions contained in section 303 as unconstitutional. This is the provision to the effect that the Comptroller General and the Assistant Comptroller General, who are to be appointed by the President with the advice and consent of the Senate, may be removed at any time by a concurrent resolution of Congress after notice and hearing, when, in their judgment, the Com-

troller General or Assistant Comptroller General is incapacitated or inefficient, or has been guilty of neglect of duty, or of malfeasance in office, or of any felony or conduct involving moral turpitude, and for no other cause and in no other manner except by impeachment. The effect of this is to prevent the removal of these officers for any cause except either by impeachment or a concurrent resolution of Congress. It has, I think, always been the accepted construction of the Constitution that the power to appoint officers of this kind carries with it, as an incident, the power to remove. I am convinced that the Congress is without constitutional power to limit the appointing power and its incident, the power of removal derived from the Constitution.

The section referred to not only forbids the Executive to remove these officers but undertakes to empower the Congress by a concurrent resolution to remove an officer appointed by the President, with the advice and consent of the Senate. I can find in the Constitution no warrant for the exercise of this power by the Congress. There is certainly no express authority conferred, and I am unable to see that authority for the exercise of this power is implied in any express grant of power. On the contrary, I think its exercise is clearly negated by section 2 of article II. That section, after providing that certain enumerated officers and all officers whose appointments are not otherwise provided for shall be appointed by the President, with the advice and consent of the Senate, provides that the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments. It would have been within the constitutional power of the Congress in creating these offices to have vested the power of appointment in the President alone, in the President with the advice and consent of the Senate, or even in the head of a department. Regarding as I do the power of removal from office as an essential incident to the appointing power, I cannot escape the conclusion that the vesting of this power of removal in the Congress is unconstitutional and therefore I am unable to approve the bill.

I am returning the bill at the earliest possible moment with the hope that the Congress may find time before adjournment to remedy this defect.

WOODROW WILSON.

THE WHITE HOUSE, June 4, 1920.

Some of the gentlemen who testified that what we needed was an independent audit were Mr. Good, the chairman of that select committee; Mr. Joe Byrns, whom we all loved and still revere; Mr. Hawley, a splendid gentleman and former chairman of the Ways and Means Committee; Mr. Martin Madden, a really great gentleman, under whom I served as a member of the Appropriations Committee; Mr. Parrish; and Nicholas Murray Butler. I intend to submit excerpts from their statements to show you that what they were after was an independent audit, which is provided in this bill. Let me repeat that the Congress of the United States and the people of the United States have never had an independent audit of the expenditures since this Government was formed. I use my words advisedly—there has never been any independent audit from the beginning of our Government to this good day.

I want to read a short statement made by Mr. Henry L. Stimson, which will show you the way the wind was blowing in this hearing. I want to say for him from my observation of his work when he was here in the Cabinet, from my observation of his views since he severed official connection with the Government, that he strikes me as being a man of courage, vision, and patriotism. He was speaking when there was a Democratic President in the White House, but he was speaking to fundamentals, to a fundamental proposition of law and a fundamental proposition of government. Mr. Stimson said:

You ought to have somebody who will perform the same function of scrutiny and care and investigation for you that is performed in Great Britain by the Comptroller and Auditor General. One thing that I think requires caution about, that is, that the function as I regard it, is a post-audit function. I do not think that that man ought to be given duties which would tend toward making him share executive functions. I mean, I think that would be a diffusion of executive duties which would lead to trouble. In other words, I do not think he ought to have the responsibility of saying beforehand whether sums would be expended. That would simply mean the creation of a little sub-executive, a little subpresident, controlling the department.

Hearings before the Select Committee on the Budget and Accounting Act in 1919:

Mr. Good (chairman), Mr. Joe Byrns, Mr. Hawley, Mr. Madden, Mr. Parrish, Henry L. Stimson, Nicholas Murray Butler.

Mr. BYRNS. As a matter of fact, most of this trouble of duplication and overlapping, I think, can be clearly traced to different interpre-

tations made by officers appointed by the Executive rather than any intent on the part of Congress. It seems to me if we had some official directly responsible to Congress for the purpose of making a report to Congress as to whether or not the money has been expended properly and in accordance with the will of Congress, it would be very helpful to Congress (*ibid.*, p. 141).

By creating this department (Comptroller General) Congress will have applied a practical business policy to the administration of the Government's fiscal affairs. Men will be employed as auditors who owe their positions to their training and ability and who do not secure their positions as a reward for political service. They will be fearless in their examinations and can criticize, without fear of removal, executives who misuse appropriations or whose offices are conducted in an inefficient manner. Congress and its committees will at all times be able to consult with officials of this department regarding expenditures and from it will be able to obtain the most reliable information regarding the use to which any appropriation has been put or the efficiency of any department of the Government. This independent department will necessarily serve as a check against extravagance in the preparation of the Budget. Those appointed by the President and charged with the duty of assisting him in collecting data and in preparing the Budget will realize that their every act and decision will come under the close scrutiny of the accounting department. If duplications, inefficiency, waste, and extravagance exist as the result of any expenditure, the President will be held responsible therefor if he continues to ask for appropriations to continue such practices. The knowledge on the part of every executive and bureau chief that such an independent and fearless department exists, and that every act and deed they perform will come under the closest scrutiny of this department, will in itself force a much higher degree of efficiency in every department of the Government.

Mr. PARRISH. Then, too, the Accounting Department provided for in this law under the Comptroller General will be required to audit very carefully all expenditures after the money has once been appropriated, and this will insure that the money will be spent for the purposes for which Congress intended; and it will be the duty of the Comptroller General to advise Congress promptly wherein appropriations have not been spent according to the wishes of Congress. Under the present system Congress has been making appropriations and the money turned over to the various departments of the Government, and unless expensive investigations were ordered Congress did not know whether the money had been expended according to its wishes or not; but under the Comptroller General this evil will be met and careful audits will be made (*ibid.*, p. 993).

Mr. PARRISH. Then the Accounting Department, which will be under the direction of the Comptroller General, will audit very carefully all the expenditures after the money has been appropriated by Congress, and while in its nature it will be a post mortem examination, yet I feel that it will have a beneficial effect (66th Cong., 1st sess., House of Representatives, October 20, 1919, p. 7204).

Mr. GOOD. The creation of an independent auditing department will produce a wonderful change. The officers and employees of this department will at all times be going into the separate departments in the examination of their accounts. They will discover the very facts that Congress ought to be in possession of and can fearlessly and without fear of removal present these facts to Congress and its committees. The independent audit will therefore, I believe, accomplish a threefold result:

First. It will serve to inform Congress at all times as to the actual conditions surrounding the expenditure of public funds in every department of the Government.

Second. It will serve as a check on the President and those under him in the preparation of his Budget.

Third. It will require every Cabinet member to make a study of his department to the extent that he will become master of the work of the various bureaus under him. He will be made to realize what he has not realized in the past—that he will be responsible for the waste and extravagant use of public funds appropriated for the use of his department (Mr. Good, 66th Cong., 1st sess., House of Representatives, Oct. 17, 1919, pp. 7085-7086).

No; it does not mean that he can direct the application. He reports whether it was applied efficiently; whether it was wisely spent. He has no power to direct expenditures (67th Cong., 1st sess., May 3, 1921, p. 982).

Mr. HAWLEY. He (Comptroller General) is our officer, in a measure, getting information for us, to enable us to reduce expenditures and to keep advised of what the spending departments are doing (Mr. Hawley, *ibid.*, October 18, p. 7136).

Mr. MADDEN. The Comptroller General has no power to take away the discretion of a Cabinet officer as to what shall be done in the discharge of his duty, but he has the power only to pass upon the legal phases of the expenditure of the appropriations, and incidentally to report any delinquencies that may be found in any department in the course of the execution of the work of the department (*ibid.*, October 21, p. 7277).

It will be the function of the Comptroller and Auditor to supply the Congress, that is to be the critic of the administrative branch of the Government under this law, with such information as will enable it to intelligently criticize the acts of the administration (Mr. Madden, *ibid.*, October 21, p. 7294).

Mr. BUTLER (Nicholas Murray Butler, president of Columbia University). * * * In the bill which is pending here, the House

bill, that general scheme is outlined, and that officer is described as the Comptroller General. I should prefer to have that officer called the public auditor, because my conception of a comptroller is an officer who goes over payments before they are made, as to their legality. I should prefer to have that in the form of a public audit, going over the payments after they have been paid, not only as to their legality but as to their wisdom, and reporting to the Congress, under the control of Congress. I believe that is where Congress will get its check (Hearings before the Committee on Consideration of a National Budget, United States Senate, 66th Cong., 2d sess., p. 77).

It would seem from the foregoing quotations that the thing that was in the minds of these gentlemen was the securing of information in regard to the manner in which appropriations were spent and that it was purposed to get this information through an independent audit.

There was no mention made of the power of the Comptroller General to determine the availability of appropriations or to make a pre-audit. These powers in the Comptroller General were acquired and finally, after much friction, have grown into custom. But the question of the control feature being in the supposed legislative agent was not the thought that motivated the Congress.

The right to make advanced decisions in reference to the spending of money was a continuation of such power that was granted the Comptroller of the Treasury under the Dockery Act of 1894. Certainly the rendition of advanced decisions then was an Executive function. Permit me to say that the power to render advanced decisions as well as to make pre-audits still remains in the Comptroller General under the House language.

It might be well to just describe what an advanced decision is. I can do that probably by way of illustration.

Let us say that an appropriation of \$10,000,000 is made for a certain purpose. Before the spending of the money starts, if they have any doubt about the availability of the appropriation for such purpose, they ask the Comptroller General for an advance decision. If the Comptroller General says, "Spend the money," that is the end of it, even though it may be improper or illegal.

Mr. WADSWORTH. Mr. Chairman, will the gentleman yield?

Mr. FRED M. VINSON. I yield.

Mr. WADSWORTH. Is the gentleman sure that that is the end of it?

Mr. FRED M. VINSON. That is the end of it so far as the Congress is concerned, because Congress never gets the information that any act of the Comptroller General is wrong. That is the vice in having control and audit in the same individual, just like the embezzling bank cashier—I use this merely for purpose of illustration—will never say that his accounts are inaccurate; he will never admit that he has done an improper act. Never has the Comptroller General admitted to Congress that one dollar has been improperly or illegally spent, except in one case. I am told that in 1937, in the matter of some Coast Guard depot in Maryland, they reported to Congress that there were some irregularities in the fund. Recently they reported a number of irregularities covering a number of years, but that was not until the office was under fire. But they in no sense are an independent audit. All we have heard here for the past 5 years has been about the waste of money from our friends on the other side of the aisle.

Mr. WADSWORTH. Mr. Chairman, will the gentleman yield?

Mr. FRED M. VINSON. I yield.

Mr. WADSWORTH. The gentleman would not contend that the Comptroller General has not prevented illegal expenditures?

Mr. FRED M. VINSON. Let me deal with what he has done. If he has prevented it, then the money has not been spent and there has been no waste. What you gentlemen talk about is the money that has been spent and the money that has been wasted.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. FRED M. VINSON. In just a moment. The moneys that have been improperly or illegally spent is what we hear

about. Did you not hear my friend from Massachusetts talk about the excursion to Timbucktoo or some place? Do you not remember hearing them talk about the hundreds of millions and the billions of dollars that have been improperly and illegally spent? If such be true, why has not that been brought to the attention of the Congress of the United States in a report from this watchdog of the Treasury?

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. FRED M. VINSON. I yield.

Mr. TABER. The gentleman knows, does he not, that the Comptroller General has only authority to stop illegal expenditures? He has not authority to prevent extravagance where it is within the law.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. FRED M. VINSON. I yield.

Mr. GIFFORD. I want simply to recall the illustration I gave a little while ago, that the Comptroller General did advise in his letter that he had allowed some of the money that the President ordered to be spent to send the cooperative junket to Europe, and that he had reversed his opinion and ordered that money paid back by those individuals who made that trip. He did acknowledge that he himself had made an error.

Mr. FRED M. VINSON. By a private letter to a Member of Congress. Now, can we spend our time looking around to find those things? The gentleman from Massachusetts evidently has really done a meritorious service, but I say to you that the people's representatives have the right to have a report in regard to improper and illegal expenditures [applause]; and as long as the same man O. K.'s expenditures he is never going to admit that he is wrong.

In regard to preaudit or postaudit—I do not care which it is—every dollar that is spent has to go through the office of the Comptroller General, and, whether it is a preaudit or a postaudit, he has to put his signature of approval on it; do you not think that the Appropriations Committee and the legislative committees of the House and the Senate should be advised in respect of improper or illegal expenditure?

Mr. KNIFFIN. Will the gentleman yield?

Mr. FRED M. VINSON. I yield to the gentleman from Ohio.

Mr. KNIFFIN. Right at that point, does not the matter of securing this information lie entirely in a postaudit?

Mr. FRED M. VINSON. The gentleman is right, and I want to get to that now. Answering the question asked by the gentleman from New York, who now occupies the chair, in regard to a preaudit, may I say it is a much exaggerated function. You would think by the statements of those who are opposing the House bill that every single voucher that is issued is preaudited before the money is paid. That is wrong. You never have a preaudit unless the disbursing officer asks for it. Only 3½ percent of the vouchers in number have a preaudit, according to the testimony of the representatives of the General Accounting Office before the Senate committee, and less than 3½ percent of the dollars have been subject to a preaudit—pages 320–321, 324, 325, 326, 327, 328.

May I tell you what we propose to do in regard to the post audit, because that is the meat in the coconut. The Comptroller General under the present set-up has never made an audit to the Congress of the United States. He has never made an audit of any kind to the Congress. Last year he filed a printed annual report, but for 5 years before that he did not even print the report, and his report is not an audit.

Mr. WADSWORTH. Will the gentleman yield?

Mr. FRED M. VINSON. I yield to the gentleman from New York.

Mr. WADSWORTH. In view of the history of the case, according to the gentleman's statement, why was it that the Reorganization Committee did not call Mr. McCarl as a witness?

Mr. FRED M. VINSON. Well, so far as the joint committee was concerned, we were in executive session to hear the members of the Brownlow committee and representa-

tives of the Brookings Institution. However, I do not recall that anyone suggested calling him.

Mr. WADSWORTH. He might have given the gentleman a little information.

Mr. FRED M. VINSON. He may have; but he would have told it to me from the viewpoint of a disappointed man, one who was disappointed because he had not been reappointed. [Applause.]

Mr. WADSWORTH. He was not eligible. He could not be reappointed.

Mr. FRED M. VINSON. My friend from New York thinks he has caught me. He says Mr. McCarl was not eligible. You were around here when his term expired. Do you not know that they tried to get an amendment to existing law making him eligible for reappointment? [Applause.]

Mr. WADSWORTH. I do not know what was tried, but the effort did not succeed and he is not eligible for reappointment.

Mr. FRED M. VINSON. That is right; but it was not his fault that he was not reappointed. He tried very hard to be, or so we heard at the time. You will remember his unfriendly utterances just as soon as he got out of the office.

Mr. Chairman, I may say that the Comptroller General has never made an independent audit of receipts and expenditures as contemplated by the Budget and Accounting Act of 1921. He has never made an independent audit showing irregular accounts as contemplated by the Budget and Accounting Act of 1921. He has never made an independent audit as to the accuracy or inaccuracy of accounts submitted to the Congress by a department or other branch of the Government as contemplated by the Budget and Accounting Act of 1921. In a few instances, possibly in a routine annual report, mention has been made of isolated cases, but, since 1921, there have been millions and millions of vouchers aggregating billions of dollars which have passed through his hands without the independent audit that gentlemen sponsoring the Budget and Accounting Act of 1921 and the Congress, which enacted it, intended him to make to the Congress.

Mr. BACON. Will the gentleman yield?

Mr. FRED M. VINSON. I decline to yield.

Here is what we want to do: We want to bring to the Congress of the United States more power in respect to appropriations and the expenditure of money. The auditor general, under the House bill, is directed by law to audit every voucher issued, whether it be for one dollar, five dollars, a million dollars, or a hundred million dollars. These vouchers are to be sent directly to the auditor general. This auditor general will be an arm of the Congress. The Congress, through this arm, will audit the expenditures of the executive branch of the Government.

Mr. KNIFFIN. Will the gentleman yield?

Mr. FRED M. VINSON. I yield to the gentleman from Ohio.

Mr. KNIFFIN. Is it not true that the heads of departments and other establishments at the present time are permitted to exercise discretion in connection with the spending of money and neither the Comptroller General nor an auditor general has power to interfere?

Mr. FRED M. VINSON. Certainly. No officer, whether you call him Comptroller General or whatnot, should attempt to take away the discretion that the Congress places in executive officers. That is the reason, Mr. Chairman, that some 16 Federal agencies, among others, spending hundreds of millions of dollars annually, have been specifically exempted by Congress from the control and supervision of the General Accounting Office. Congress itself thus has recognized the ineffectual control of the Comptroller General.

Some of the corporations and agencies of the Government which occupy this status by solemn pronouncement of the Congress are:

The Reconstruction Finance Corporation.
Federal Reserve Board.
Tennessee Valley Authority.

Federal Deposit Insurance Corporation.
 Home Owners' Loan Corporation.
 Federal Farm Mortgage Corporation.
 Federal Housing Administration.
 Federal Savings and Loan Insurance Corporation.
 Railroad Retirement Board.
 Federal Surplus Commodities Corporation.
 Farmers' Home Corporation.
 World War Veterans' Act, 1924.
 World War Adjusted Compensation Act, May 19, 1924.
 Agriculture Adjustment—Rental or benefit payments—Act of May 12, 1933.

Central Bank for Cooperatives—Production Credit Corporations—Production Credit Association—Banks for Cooperatives—Act of June 16, 1933.

Agriculture Adjustment Act, March 18, 1935.

May I say this auditor general would have wide powers. It is as wide as government itself. He would have power to audit all expenditures of all agencies of the Government as an officer of the Congress. We use the same words in appointing him that were used to appoint the Comptroller General, thus making him a legislative officer, since his functions are legislative.

Mr. KNIFFIN. And that includes agencies that are not now required to report to the Comptroller General?

Mr. FRED M. VINSON. Yes. When the auditor general audits it will be an independent audit by an arm of Congress. The Comptroller General under this bill has the right to look it over and say if it is all right or not, and he may say that the expenditure is proper, even though the auditor general says it is not proper.

Then what happens? The auditor general immediately takes an exception. He notifies the Congress of the disagreement between the Comptroller General and himself, so that the Congress can take action.

The principal argument used to support the present auditing and accounting system is that the Comptroller General can and does stop illegal expenditures before they are made. It is asserted that under the reorganization bill the "stable door would be locked after the horse was stolen." The facts are that the Comptroller General's office has no authority whatever at the present time to stop illegal expenditures. This was testified to by the officials of the General Accounting Office when they appeared before the Senate Select Committee on Government Organization.

Mr. BACON. Will the gentleman yield?

Mr. FRED M. VINSON. I yield to the gentleman from New York.

Mr. BACON. I do not want to interrupt the gentleman's trend of thought, but I wish he would explain to the Committee section 304 (d), which gives the Attorney General of the United States power to render opinions as to the jurisdiction and authority of the General Accounting Office, and so forth, and such opinion shall be final.

Mr. FRED M. VINSON. I get the question. If the gentleman will read the preceding section, subsection (c), he will see that for the first time there is written into the law exclusive control in the Comptroller General of the availability of appropriations, the determination of whether the money is appropriated for a particular purpose. He exercises that power now, and we have not taken it away from him. We have not taken the power to give advance decisions away from him. We have strengthened his arm in that regard by saying he shall have the exclusive power to determine the availability of appropriations.

I stated a while ago that the Attorney General under existing law at times issues opinions that the department heads and independent agencies accept as the final word. I do not have to tell you who are Members of Congress, and you have to be 25 years or older to be here, about the jealousies that are inherent in mankind, governmental agencies and departments, even in the Federal Government.

This language in subsection (d) limits the power of the Attorney General in respect of the authority and the juris-

diction of the General Accounting Office and subsection (c) maintains without limitation the power in the General Accounting Office over the availability of appropriations.

The language contained in subsection (d) will correct one of the major defects in the Budget and Accounting Act of 1921—a defect which has caused much confusion throughout the years. That act does not speak to the authority and jurisdiction of the General Accounting Office, in consequence of which the Comptroller General has decided his own jurisdiction and authority and thereby usurped many powers vested by Congress in the Executive and other officers of the Government. This cures that defect and if there is any issue between the Comptroller General and any other officer of the Government, the highest law officer in our Government, the Attorney General, upon the application of either party, will settle this dispute as to the authority and jurisdiction. However, in no way does this language impair the exclusive power in subsection (c) vested in the Comptroller General to determine the availability of appropriations nor will it confer upon the Attorney General any power over the availability of appropriations or to pass upon the merits of any particular case.

Mr. BACON. Mr. Chairman, will the gentleman yield further?

Mr. FRED M. VINSON. I must decline to yield.

I wish to pay my respects to the distinguished gentleman from Massachusetts [Mr. Luce], who has written much on the subject of government. He has been for many years a Republican Member of the House of Representatives from Massachusetts, an outstanding authority on legislative procedure, author of several books, has on several occasions expressed the opinion that the Congress is not warranted in interfering with the expenditure of money that has been appropriated or in supervising the administration of law.

In a book review of Dr. Lindsay Rogers' *The American Senate*, he stated in the *American Political Science Review*, volume XXI, No. 1, at page 179:

Where is the proof that, at any rate in the United States, a legislature has any business to interfere with the spending of money that has been appropriated, or to supervise the administration of law? Those are natural functions under the system of ministerial responsibility, with the Government merely a committee of the legislature itself. But where is the warrant for them in an American Constitution, State or Federal?

In his book, *Congress—An Explanation* (1926), he stated at page 86 et seq.:

How far it may be the duty of Congress to concern itself with the expenditure of the money appropriated is a difficult problem, to which curiously little attention has been paid. The Constitution is quite silent on the subject, save only in the provisions about impeachment so far as they bring in the matter under "high crimes and misdemeanors." The legislative branch, of course, may and should watch the other branches with a view to future appropriations as well as to the need of legislation; but has it any responsibility whatever in the matter of how what has already been appropriated is spent? Apparently it has been taken for granted that such responsibility exists. The public seems to have a vague notion to that effect, and it is not lacking in Congress itself, for matters of maladministration are broached there from time to time, and the lower branch has committees on expenditures in the various departments.

Five-sixths of the State constitutions specify in varying language that the three departments of government—legislative, executive, and judicial—shall be distinct. The other constitutions would doubtless be construed to imply the same thing, as always has been done in the case of the Federal Constitution. What business, then, has the legislative branch with the way the executive branch functions, except as legislation and appropriation are concerned?

Of course, the situation is quite different in those countries where ministerial responsibility is the keystone of government. There the committee of the legislative branch that constitutes the cabinet is made up mostly if not entirely of heads of executive departments. They may properly be questioned in the legislative body as to what they are doing in the way of executing the laws. Nothing of the sort is theoretically justifiable under our system of division of powers; it would not be feasible without reconstruction of our legislative systems; and there is grave doubt whether it would be desirable. Congress already fails to convince the Nation that it does efficiently its recognized part of the work of government. Were there to be added the task of inquiry into the processes of administration, for the purpose of securing greater economy and efficiency in the execution of existing law and the

spending of money already appropriated, then of necessity it could give less time and thought to its well-established functions.

WASHINGTON NEWSPAPERS ON DICTATORSHIP

I have here and desire to place in the RECORD excerpts from editorials in Washington papers in regard to this dictatorship business. The newspapers in Washington are close at hand, and they know that this cry of dictatorship is sheer boloney. They know this, and they have said it editorially.

This is from the Washington Times of March 23, 1938:

The talk about threatened dictatorship, Armageddon, and "write-your-Congressman-or-we-perish" is simply window dressing.

Among other things the Washington Post of March 23, and this date is pretty close to the present, states the following:

There is general agreement that a thorough overhauling of the administrative machinery of the Federal Government is urgently needed. Repeated efforts have been made, in fact, to arouse public interest in plans for bringing order into the rather chaotic pattern of the existing executive set-up. Such plans were seriously considered during the Hoover administration, but without result. The present reorganization program simply represents another attempt at reform—it is neither partisan in origin nor sinister in purpose.

It is evident that any reorganization plan to be effective must vest large discretionary powers in the hands of the President. The Brownlow committee, indeed, recommended much greater powers than those that would be conferred by the revised Byrnes bill, and it made out a strong case in theory for its proposals. The alarmist outcries against the bill, the charges that it is a plot to give the President dictatorial powers are of course absurd. The experts who directed the study and made the report which constitutes a basis for the proposed legislation are men whose ability and disinterestedness are well known and whose honesty of intention is beyond question. One may not agree with all the committee's recommendations, but there is nothing in them which involves an overthrow of our political institutions or endangers the Constitution.

Mr. David Lawrence on March 30 had this to say, in part:

As a matter of fact, the reorganization bill itself is not as bad as it has been painted. Were any other President in the White House except Mr. Roosevelt, the bill might have had a more substantial margin in its favor.

Do you not think it is getting down to a question of the individual who is in the White House? I am constrained to think that when I read the following from the New York Herald Tribune of March 21, 1938:

It would beat once and for all the difficult effort to turn over the complex problems of remaking the Federal Government to a President singularly inept in every aspect of administration and singularly ambitious to destroy the American system in favor of a one-man dictatorship.

And further from the Evening Star, February 11, 1938, page A-9, column 1:

Business is so indifferent to the reorganization bill because it sees only some Machiavellian scheme for national dictatorship that an opportunity is being missed to lay the foundations for a real nonpolitical reorganization of the Government machinery.

And the Washington Herald, February 28, 1938, page 6, column 1:

Fortunately, an opportunity is being presented this week to both critics and defenders of the administration to join in a corrective measure as the departmental reorganization bill comes up in the Senate.

This project would bring headless commissions and boards within the framework of fixed departments without hampering their independent judicial powers, restore the constitutional balance between President and Congress as to execution of legal directives, and make for better general management of governmental business. It ought to become law in short order.

In conclusion, let me give you a little personal experience. Ten years ago I served on the Committee on Appropriations and sat across the table from the spenders. I know how helpless a Member feels at times, even though he works at the job as does the gentleman from New York [Mr. TABER], when the spenders come to him wanting \$500,000 or \$500,000,000, in that he does not have facts presented him by some agency of the Government which would permit him to cross-examine the spenders. I chafed at the futility of it

when I was on the Committee on Appropriations. Then I made a suggestion with reference to some sort of an agency like this auditor general that would bring information to Members of Congress. Let them be presented with a trial brief, as if they were trying a case in a courthouse, so they can intelligently cross-examine the spenders. There is written into this bill, and I can say I had something to do with writing it, a provision giving to the auditor general inquisitorial powers to check up on the spending of money, whether it is provident or improvident, whether it is wasteful, whether it is illegal, or whether it is uneconomical, and to report to the Congress improvident, improper, or illegal spending.

In another section of this bill we provide that the auditor general shall upon request send his experts who made these examinations to the appropriate committee either in public hearing or in executive session to furnish the Members of Congress with information that will permit them to protect the public interest. I believe untold millions annually can be saved.

So I say to you in closing I have been a friend of the General Accounting Office and I am a friend of the General Accounting Office today. I did not want to see the control function placed in the Treasury, a great spending department. I did want to see the control placed in the Budget, because that would give the Director of the Budget the power to pass upon whether or not legislation was in accordance with the financial program of the President, and, after the legislative authority had been granted, that same Director of the Budget would be the one to say how much money could be appropriated to do a particular thing. Then, it would be the same Director of the Budget who would say how the money should be spent. I believe this is too much power to place in the hands of the Director of the Budget, and I yield to no man in my admiration for Daniel Bell, who is a splendid gentleman, keen, honest to the core, and capable; but you have three different things merging there, and you ought not have your control in such an agency. You ought to have the postaudit made to the Congress by the arm of this great legislative body, such as an auditor general.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. FRED M. VINSON. I yield to the gentleman from Massachusetts.

Mr. GIFFORD. The gentleman made it quite clear that the departments now prefer to go to the Attorney General rather than to the Comptroller General. Does the gentleman believe he has made it clear that under this bill the Attorney General is clothed with power to set at naught all the opinions of the Comptroller General?

Mr. FRED M. VINSON. I beg to differ with my friend. That statement cannot go unchallenged. The Attorney General has less power in this bill to pass upon the merits of a case than under existing law. However, under existing law he sometimes assumes the power of the Comptroller General in respect of the availability of appropriations. This function is taken away from him.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. FRED M. VINSON. I yield to the gentleman from Missouri.

Mr. COCHRAN. Does the gentleman recall that the present Congress passed an act relieving disbursing agents of the Government of approximately \$300,000 because they had permitted the expenditure of money based upon a decision of the Attorney General of the United States with which the then Comptroller General, Mr. McCarl, disagreed, at the outset, but that later the Comptroller General, through one of his agents, requested the Committee to report in the form of a bill?

Mr. FRED M. VINSON. That is true. In regard to advance decisions our bill makes the Comptroller General submit the advance decision to the auditor general and if the auditor general thinks that such advance decision is in error he reports it to the Congress of the United States. That may save much money that otherwise would be spent.

No Comptroller General under existing law could well afford to report that his advance decision was wrong.

Mr. HOBBS. Mr. Chairman, will the gentleman yield?

Mr. FRED M. VINSON. I yield to the gentleman from Alabama.

Mr. HOBBS. The distinguished gentleman from Kentucky has made a masterly exposition of the phase of the bill to which he has addressed himself and we are indeed grateful to him. I wonder if the gentleman would mind stating to us why no fixed term was prescribed for the new Comptroller General?

Mr. FRED M. VINSON. You could fix a term if it was desired but that would have no effect upon the President's power of removal.

Mr. THOM. Mr. Chairman, will the gentleman yield?

Mr. FRED M. VINSON. I yield to the gentleman from Ohio.

Mr. THOM. Is there any provision in this bill for comparative cost accounting?

Mr. FRED M. VINSON. No; not what the gentleman is referring to. We have the Treasury prescribing the forms and accounting procedures for the departments and then the Comptroller General prescribes the forms for reports and statements that come to him, but the cost-accounting feature is not in here.

Mr. LAMBERTSON. Mr. Chairman, will the gentleman yield?

Mr. FRED M. VINSON. I yield to the gentleman from Kansas.

Mr. LAMBERTSON. What bill was the President referring to in his release the other night when he said it should be passed as it is drawn—the Senate bill or the House bill?

Mr. FRED M. VINSON. I presume the President had information at that time, although I can not speak for him, as to the status of S. 3331. It came to the select committee of the House, and all the language in the Senate bill had been stricken and the four House bills were included and reported to the House. So I take it that the President knew about it when he made the statement. [Applause.]

Mrs. ROGERS of Massachusetts rose.

The CHAIRMAN. The Chair recognizes the gentlewoman from Massachusetts for 1 hour.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. EATON].

Mr. EATON. Mr. Chairman, in common with millions of my fellow citizens and with a majority of this House, I am profoundly shocked and resentful at the proposal to ram this atrocious bill through this House under a gag system that is unworthy of any administration in a free country. If I were in favor of the bill, I would vote against it under these conditions. I consider it an insult to the intelligence of this House and an outrage that here and now we are being deprived of the right of free speech. If this is not dictatorship, what in the name of Heaven is it? For one, I resent this procedure; and I want in the strongest possible terms to express my repudiation of it. When we go back to our people, how are we going to stand up and tell them that we have faithfully represented them here when we have allowed ourselves to be kicked around like a lot of irresponsible and helpless babies?

The learned and lovable gentleman from North Carolina [Mr. WARREN] made a brilliant speech yesterday; and in the middle of it, by a dramatic gesture, he flashed upon us a nocturnal lubrication from Warm Springs. It reminded me of the Biblical incident of Moses coming down from the mountain with the Ten Commandments written on the tablet of stone.

In this remarkable statement the President took his place among the people who only a few days before he had accused of trying to purchase the Senate by sending telegrams, "organized" and otherwise. In this extraordinary letter he assures us that for three reasons at this time he feels constrained not to accept the title of dictator in this country. I quote:

(A) I have no inclination to be a dictator. (B) I have none of the qualifications which would make me a successful dictator. (C) I have too much historical background and too much knowledge of existing dictatorships to make me desire any form of dictatorship for a democracy like the United States of America.

It is significant that these three reasons are purely and entirely personal. There is no mention here of the real reason why no man should aspire to dictatorship in this country, which reason is the genius of American democracy expressed in a written and authoritative Constitution and in the liberties of a free people for 150 years of unparalleled progress.

Mr. HOBBS. Does the distinguished gentleman consider this lubrication from Warm Springs as authoritative as the Ten Commandments?

Mr. EATON. I do not, but at this moment there are some in this House who seem to so consider it, and for that reason they are attempting to cram this legislation down our throats. I think it is the acme of impropriety to have a statement like that coming from that source served upon the Members of the House at this time; and if we have not the self-respect to resent it and express our resentment by our vote—and I am talking now to men regardless of politics—there is something wrong with the representation of the people of this country in this House.

I am opposed to this reorganization bill for many substantial reasons. It appeared here originally as a companion piece to the revolutionary attempt on the part of the President to obtain control of the Supreme Court. While this particular bill is a diluted form of the original expressed desire of the Executive, it contains many dangerous violations of the rights of the people and involves a real surrender of the freedom and responsibility of Congress itself.

The provision affecting the office of the Comptroller General constitutes a mere legislative subterfuge. The net result of this particular title is to destroy the present office of Comptroller General as an agent of the Congress for the validation of the expenditure of public moneys. It reduces the Comptroller General to the level of a chief bookkeeper acting as a servant of the Executive and not of Congress. It creates a glamorous new functionary known as the auditor general, whose main duty will be to carefully lock the door after all the horses of expenditure are out of the stable and in a highly dignified manner apprise Congress that the money has been spent.

One of the most vicious provisions of this bill deprives Congress of its constitutional authority and places one-third, or a minority of both Houses, at the behest of the President, in absolute control of effectuating the provisions of this bill.

The civil-service proposal of the bill spells the death knell of any adequate protection for the employees of the Government. They become simply pawns in the hands of the Executive. It throws away the advance of 50 years in civil-service reform and reestablishes the spoils system, which makes public employment a matter of partisan politics only.

The proposed welfare department will thrust the Federal Government deep into the educational system of the 48 States. It contains a serious menace to parochial and other religious educational systems and threatens to spawn a new and numerous brood of bureaucrats to fatten at the public purse.

At this moment our country is in the grip of universal fear, due primarily to the persistent attack upon and interference with the wealth-producing agencies of the Nation by the present Federal administration. In view of this alarming situation it is the urgent and solemn duty of the House of Representatives to reject this reorganization bill and thus give to our distraught citizens at least a ray of hope that they can depend upon their Representatives in this House to protect their rights and interests.

Mr. Chairman, I express the hope that in this challenging moment the people of our country will be properly represented by free men on this floor, who will vote to lift the burden of anxiety that grips the people today, and turn this thing back to the ash can of oblivion where it belongs. [Applause.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. THURSTON].

Mr. THURSTON. Mr. Chairman, today we are seeking to amend the Constitution of the United States by transferring the dominant authority in this country from the Congress to the executive branch. I have in my hand the Constitution and note that the first reference to the three coordinate branches is made to the legislative body, and throughout this great instrument the subservience of the executive branch to the legislative is evident. This body has a right to bring impeachment proceedings against the Chief Executive as subordinates, and likewise the Senate has the right to try that impeachment. Yet we are seeking to diminish and to undermine our own power. I can understand, if they march soldiers into the legislative halls in Berlin with fixed bayonets, or use castor oil in the legislative body at Rome, that the members of those bodies are forced to give up and surrender their power; but it is in an amazing situation that we have reached in this country when some of the Members of this Congress will willingly propose a bill and work for the opportunity, not only to undermine their prerogatives, but to say to their constituents that they are no longer needed; that a dictator shall act in their stead. As sure as this bill passes it paves the way for further surrender of legislative power. You propose to establish a precedent to violate every law and rule that is followed by every organization in the United States, whether it be a church, a fraternal organization, or any other quasi-public body. The directors of a board or the members of those organizations appoint the auditing committee to examine into the financial transactions of their own officers. The auditing is never turned over to those who spend the money. They retain that power, but here you are seeking to place it in the hands of the Executive, the power to check his own accounts; and if, as is reported, resignations in blank are required in advance of an important appointee from the executive branch, then that officer is not free to act because of the shadow that hangs over his tenure of office.

Last year the Senate and House passed a bill providing that the President of the Senate and the Speaker of this House should appoint certain Members to act on a joint committee to assist in a celebration of the exposition to be held in New York City. That measure was vetoed because the present Chief Executive in effect said, "You Members of the House of Representatives and of the Senate have encroached upon the prerogatives of the President." That bill involved the appointment of some Members and other citizens who were to act temporarily in a very limited sense; yet the President comes here and appeals to you, yes, demands of you, that you should pass this measure to further entrench him in his power. What have you received as a concession from the Executive branch? Constantly the President has demanded that you should surrender your powers and give more and more to the Executive, and when a measure of very little consequence threatens to only slightly diminish his powers, he does not hesitate to offer this slight to the presiding officer of this body and the presiding officer of the other body in vetoing a measure extending a courtesy to them, because he is unwilling to allow these able leaders in his own party to exercise that limited power.

Gentlemen, when you go home, will you be the same Members of the Congress who so stoutly and frequently insist that you have stood up down here as free men, as members of an independent legislative body fearlessly representing your people, or will you sink down the alleys, afraid to face your constituents, who undoubtedly, by the thousands, will challenge the surrender which you have made here, if you shall have voted for this bill.

The range of discussion devoted to the bill before us in this Chamber, and at the other end of the Capitol, has been rather extensive. However, Members need make no excuses in this connection, because it is proposed by this legislation to strip the American Congress of powers which are in-

herent to an independent legislative body, which have been rightly vested in the two coordinate bodies by the Constitution. It is an amazing presumption on the part of the Chief Executive to suggest, let alone to insist, yes to demand, that this legislative power be surrendered to a branch which, under the Constitution, was created for the express purpose of executing laws, rather than to enact laws. Throughout the Constitution, the legislative branch is considered the dominant, rather than the subordinate body. If you pass this bill, in effect, you Members, not the people, will amend the Constitution.

If such a broad proposal had been suggested by the Chief Executive to the Congress of the United States 5 or 10, or any number of years prior to the advent of the present administration, such a suggestion would have been regarded as a distinct affront, yes an insult, to the House of Representatives and to the Senate of the United States. But recently, these two bodies have been so willing to surrender their powers that it is not surprising that they are now being asked to virtually act as a door mat for the Chief Executive.

Rather than traverse the ground so thoroughly and searchingly explored and analyzed by others, I prefer to briefly discuss two other phases of the subject which have not been referred to in the debates in either body.

First, those currently informed concerning economic conditions in the country understand that there are probably as many unemployed persons in the United States today as at any other time; also, that unemployment is increasing, and trade and industry have been receding at a rapid rate. Hunger is an incident of unemployment. Therefore, why should the Congress impose upon the President additional duties of reorganizing the executive branch of the Government, when the primary interest of both the legislative and subordinate branches of the Government should be directed toward making an endeavor to reduce the mounting unemployment rolls, and to restore normal employment in the country.

Reorganization is a rather old subject, dressed up in new spring garments, probably in an effort to divert the attention of our people from important and serious matters. Surely, no sound reason can be given why we should now be wasting our time in this body enacting laws which will have absolutely no helpful effect upon the deplorable conditions which now exist in our country.

Then, when we make a brief survey of the international situation, we know that the peace of the world is now being threatened on two continents, and it will take the clear, sound judgment of the leaders in public life in our country if we are able to avoid being drawn into one of these current conflicts.

Other than employing our people, what could be more important than to map out and assure a course of action that will continue peaceful relations between our country and other nations of the world? Quarreling with or punishing subordinates will not increase employment. The passage of this bill will create dissension and discord, when bread and butter should be on our minds—later, in our stomachs.

Wars mean additional taxes, just as unemployment means additional debts. Would it not be far more beneficial if the present administration would give serious thought to these subjects, which are so important to every man, woman, and child in the Nation? Changing the name of some bureau, dismissing or shifting some Government employees, will not affect or cure unemployment.

The present Chief Executive has not only the ordinary duties of his branch of the Government to exercise, but in the past 5 years a great number of additional activities have been placed under his direction and control, so that this office now is greatly overburdened with important duties and decisions. Who will honestly or logically contend that the duties of this branch should be expanded, particularly at this time? Possibly to give the six new secretaries something to do.

There is another phase which might be discussed with profit in connection with this proposed legislation; and while the Members of the Congress are fully apprised in this respect, it is doubtful if our citizens have given much thought to this phase of the matter. The House of Representatives and the Senate can pass a bill with slightly more than one-half of its membership voting in the affirmative. But if a bill is enacted into a law, and the two legislative bodies desire to repeal that law, and the Chief Executive is unwilling, then the vote of two-thirds of the Members of each body are required to override a Presidential veto. Ordinarily, when laws are enacted, which are general in character, the President may have no greater interest in the retention thereof than a Member of the Congress. However, if great or unusual powers are vested in the President, through the surrender of legislative functions, it is very likely, it is almost certain that the present occupant of the White House, or anyone who may succeed him in this high office, will oppose the repeal of such plenary power. This is a subject matter that should receive most serious thought, in connection with the astonishing legislative surrender proposed in the bill under consideration.

As the Senate is composed of 96 Members, if the Chief Executive, through patronage, or through allocation of large sums of money for public works or employment, can influence the votes of about 30 Members of that body—and there are always some vacancies or Members who are absent and not voting—then Congress will be unable to repeal such laws, no matter how unsound, impractical, or downright vicious or corrupt consequences may flow from this servile surrender on the part of this legislative body, a body which is supposed to be composed of clear-thinking legislators, each of whom has eloquently and earnestly told his constituency and the country about his fearlessness and independence. We shall see.

In public life, in private life, most individuals endeavor to obtain a fair exchange for any commodity or service, or privilege which they may have. Upon many, many occasions in the past few years, the Congress has delegated or surrendered innumerable powers to the executive branch. What has the legislative branch received in the way of concessions from the executive branch in the past 5 years? Absolutely nothing. If this bill becomes a law, what a hearty laugh the President will have at the expense of those whom he pressed into voting for it.

Yet, when the Congress passed a joint resolution, under date of May 4, 1937, establishing a joint commission, authorizing the presiding officers of the Senate and House of Representatives to appoint a commissioner general and two assistants, for the New York World's Fair, and to also provide for the expenditure of an appropriation of Federal funds, the measure was promptly vetoed by the present occupant of the White House, because, as he claimed, it was an infringement upon the powers of the Executive. In other words, the present Chief Executive would not consent to have a few mediocre officials of a temporary character appointed by the Congress, as he stoutly asserted and insisted that such power belonged to the Executive; he would not countenance any such impertinence on your part. But, he has not been slow or timid in asking—even threatening you—to give him powers which you have no right to transfer under the Constitution.

As to whether the present Chief Executive has confidence in or respect for you or the present Members of the National Legislature, public documents show that he has vetoed more bills passed by the Congress in the past 5 years than any of his predecessors in the same length of time, an evidence that he resents legislative interference. Now, ask yourselves, if you want to place almost unlimited authority in the President to discontinue, in fact to destroy, existing units of the Government service.

At this point I ask leave to insert a table which shows the number of vetoes and pocket vetoes credited to each President during the existence of our Government. While a large

number is assigned to President Cleveland, a considerable number of these related to private bills, rather than acts of a general character.

Number of bills vetoed in all Congresses

Number of Congress	Name of President	Number of vetoes
1st, 2d, 3d, 4th	George Washington	2
13th, 14th	James Madison	6
15th, 16th, 17th, 18th	James Monroe	1
21st, 22d, 23d, 24th	Andrew Jackson	12
27th, 28th	John Tyler	9
29th, 30th	James K. Polk	3
33d, 34th	Franklin Pierce	10
35th, 36th	James Buchanan	8
37th, 38th, 39th	Abraham Lincoln	1
39th, 40th	Andrew Johnson	21
41st, 42d, 43d, 44th	Ulysses S. Grant	42
45th, 46th	Rutherford B. Hayes	12
47th, 48th	Chester A. Arthur	4
49th, 50th	Grover Cleveland	113
51st, 52d	Benjamin Harrison	41
53d, 54th	Grover Cleveland	163
55th, 56th, 57th (part)	William McKinley	42
57th (part), 58th, 59th, 60th	Theodore Roosevelt	82
61st, 62d	William H. Taft	39
63d, 64th, 65th, 66th	Woodrow Wilson	44
67th	Warren G. Harding	6
68th, 69th, 70th	Calvin Coolidge	49
71st, 72d	Herbert Hoover	35
73d, 74th, 75th (through Jan. 1, 1937)	Franklin D. Roosevelt	221
75th, to date	do	43

NOTE.—This table is compiled as of date Mar. 31, 1938. The data, Washington to Cleveland, first term, inclusive, was obtained from S. Misc. Doc. 53, 49th Cong. Subsequent figures were obtained from officials of the House of Representatives and the Senate. Those Presidents not mentioned did not exercise veto power at any time during term of office.

The foregoing table would indicate that the President would prefer to do his own legislating even when two-thirds of both branches of the Congress are members of his own party.

On the 27th day of July 1937, while considering the portion of this bill which would authorize the President to appoint six additional secretaries, at \$10,000 each, plus all the emoluments such as secretaries to secretaries, without end, I placed in the CONGRESSIONAL RECORD tables which showed that there were 115,000 employees in the Government service in the city of Washington, and 725,000 employed by the Government outside of Washington, making a total of 840,000 persons; that many public buildings had been erected in Washington in the past few years, and scores of hotels, apartment buildings, and large dwellings had been leased to house these employees; that a special train carrying Government employees left Washington each morning for Baltimore, where the personnel were employed. Also, that the bill then under consideration did not intend to reduce the number of employees, but was one adroitly written so that the President could dismiss or reassign Government employees at his pleasure. This could be more clearly analyzed by saying that it proposed nothing short of political graft and unfair pressure upon conscientious employees of the Government.

Is it not rather humiliating, my colleagues, to recall the incident when President Roosevelt would not tolerate one slight deviation from what he considered as his prerogative; but he can blandly call upon you now to surrender powers of a thousandfold—yes, of a millionfold—more importance. Which among you will first bow so as to receive this yoke?

What will your constituents say about the proposed surrender? Will you improve your standing as an intelligent, useful legislator in following the course proposed here today, or will you prove to your constituents that you believe in a representative rather than a feudal form of government?

The President has sharply challenged the right of American citizens to communicate with the Members of this body. Undoubtedly, he is the first President to make this assault upon the right of the citizen to petition the Congress. English-speaking people and other peoples of the world have fought wars to obtain and to preserve the right of petition.

To show you how seriously our people are considering this legislation, I quote, not from a telegram but from a post

card sent to me by Mr. R. S. Beall, a typical American citizen, residing at Mount Ayr, in the State of Iowa:

MARCH 29, 1938.

Our pastor, Rev. E. H. Jackson, has called by phone a special prayer meeting for tonight in behalf of the defenders of the Republic in the present crisis in the House and Senate. I have never seen a more intense interest in rescuing the freedom of our institutions and Government than in the present crisis. Every patriotic citizen should stand by you in defense of freedom of our country.

Your friend,

R. S. BEALL.

As between a blustering President and sound, clear-thinking citizens of the State of Iowa, I will take my stand alongside the latter.

We have organizations in this country composed of persons whose forebears served in the Revolution, in the great Civil War, and in more recent wars who glory in the independence and service rendered to their country by these predecessors. I predict that in the years to come it will be a badge of distinction for those who can claim that they had a relative in the Congress who opposed, who fought this abject surrender.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. STACK].

Mr. STACK. Mr. Chairman, I have neither the eloquence nor the persuasiveness of the distinguished gentleman from Kentucky, but I know that the administration realizes they have a hot potato in their hands in this bill, and they need all the shock troops they can bring forth to fortify it. [Applause.]

Mr. Chairman, I come to the Well of the House today because I love America and I think she is the grandest land in the world, or at least has been the grandest land in the world.

Many years ago I left the shores of lovely Erin because, even in my youth, I felt the heel of the dictators then misruling Ireland. I came here to the land of the free, the home of the brave, and the country of inexhaustible opportunities. Uncle Sam has been good to me and to my people—just the same as he was and has been good to your ancestors, all of whom came over here for various reasons, but chiefly because they were politically persecuted in the homeland.

I have a little family back home of boys and girls to whom I want to leave my adopted country and their country still a representative government. The good people in my district and in your district are paying us a salary to represent them in the Halls of Congress, but you and I will not be worthy of our hire if we allow this so-called reorganization bill to pass. I, for one, here in the Halls of Congress, representing the Sixth District of the great State of Pennsylvania, whose political leaders heretofore have betrayed and are now betraying every trust that the 10,000,000 red-blooded American citizens of that great Keystone State have placed in them, will do all in my power by my voice and vote to do away with dictatorships in our Government. In Webster's Dictionary I find the word "reorganization" defined as "the reconstruction or rehabilitation of a corporation usually effected compulsorily."

What is the matter with our Government that it needs to be reorganized compulsorily?

We have gotten along fairly well with it since the days of Valley Forge, when Washington and his little army suffered untold tortures that he and the early fathers might hand us down the country that we have today. Oh, yes; pick up the morning papers or turn on the radio and you will read or hear about the reorganizations that are going on in Europe daily and nightly. Oh, yes; the dictators of Europe are reorganizing. Oh, yes; the dictators are reorganizing, but are they reorganizing for the good of the common people? No. They are reorganizing and overthrowing governments to put the people back in serfdom and to the feudal days; to put the people in concentration camps and the children in state-controlled schools, and offer so-called inducements to

the parents to raise large families for fodder for the next war. The state is "god," and all must bow the knee to the twentieth-century Neros ravaging Europe and Asia in their mad lust for power.

Mr. Chairman, I am against this reorganization program for three main reasons: First, as a Representative—as a free, untrammelled Representative that came here to Washington against the wishes of the political dictators back home—I think, in fact I know, I am speaking for the people when I voice my opposition to this bill. I am speaking for the American Legion, veterans in general, Military Order of the Purple Heart, and for the disabled veterans of all wars, who, incidentally, never had a friend, Republican or Democrat, in the White House, and who are the recipients of the benefits that they now get from a grateful country solely because you and I here in the Halls of Congress passed legislation in their favor over the veto of Presidents.

Today here in the Well of the House I am speaking for the National Grange, who say among other things, on page 4193 of the March 28 issue of the CONGRESSIONAL RECORD, that the bill—

Is vicious and strikes at every vital principle in our form of government.

Today here in the Well of the House I am speaking for the American Federation of Labor, who say, among other things, that they were denied a hearing here in the House and that they cannot—

Understand how anyone interested in maintaining our form of government can propose or vote for it.

In the great State of Pennsylvania 400,000 members of the American Federation of Labor are with me and encourage me when I tell you, "Kill this bill."

Secondly, I am against this proposed legislation, and God alone knows where it came from, because it proposes to establish a civil-service administrator instead of the present Civil Service Commissioners. Incidentally, ladies and gentlemen of the House, this brings me back to my college days when one of the rules rigidly enforced was expressed in these Latin words, "Rarus unus, nunquam duo, semper tres." In other words the good perceptors told us that we should seldom be alone, never two, and always three; and in the divine order of things we see three persons in the one God—the Father, the Son, and the Holy Ghost—and surely my colleagues of the House there is no President, past, present, or future, I hope, that thinks himself bigger than God. I personally would rather have my case decided by the three members of the Civil Service Commission than by any one individual. I am against this proposed legislation because it proposes to abolish the office of the Comptroller General and the Accounting Office and turn over to the Chief Executive the control of the purse strings of the Nation.

Thirdly, Mr. Chairman, I am against this proposed legislation for the reason that it proposes a Department of Welfare in the Federal Government which has to do—

With the relief of the needy and distressed and vocational rehabilitation of the physically disabled and in general shall coordinate public health, education, and welfare activities.

As a veteran, who fought and bled for his country I am satisfied with the present Veterans' Administration. I think the Veterans' Bureau is doing a good job.

Who do they propose to make the first Secretary of the Department of Welfare to take care of the needy and destitute? Why, none other than our old friend Harry L. Hopkins. Who is Harry L. Hopkins? Why he is the National Administrator of the Works Progress Administration, who I charge here and now has made a public debauch of that great humanitarian agency, at least in the great city of Philadelphia. Go into Philadelphia, go into my district in the western end of the city and you will see men and women with large families on relief walking the streets looking for the jobs they cannot get because Harry L. Hopkins' political hirelings will not give them their political blessing; while, on the other hand, in the same Sixth District

of Pennsylvania, you will find men and women, not on relief, eating out of the public trough because they have been politically sanctified by the so-called Democratic leadership back home, who were appointed to administer the W. P. A. in Philadelphia when Hopkins knew, for I told him so, that they were not interested in the destitute and needy, but that they were interested solely in promoting a corrupt political dynasty. Hopkins knows this, I told him so, and I can prove what I say, either by affidavit or by competent and trustworthy witnesses. He has known it for at least 2 years and what has he done about it? Nothing.

Almighty God in His goodness and wisdom entrusted to Mrs. Stack's care and to my care five little children, whom I want and she wants the God-given right to educate as we see fit. Do I want Harry L. Hopkins to tell me how I should educate them? How I should bring out and develop the good that is in them? Do I want my children to be wards of the state? Ladies and gentlemen of the House, Republicans and Democrats—all Americans—I am pleading with you my colleagues in the House to let Mrs. Stack and myself live our own lives and take care of our own children as we see fit and let all the good people in my district and in the great State of Pennsylvania and the Nation do likewise.

I am particularly asking you Democrats, who believe in the philosophy of the father of our party, Thomas Jefferson, "that the many shall rule and not the few," for God's sake do not, by this legislation, tear down Old Glory and wrap it around Harry L. Hopkins or any other dictator. [Applause.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. LORD].

Mr. LORD. Mr. Chairman, the people of this Nation are very much afraid of the proposed reorganization bill.

Germany once had a good government, but, little by little, they gave all power and authority to their President. Now Hitler has absolute control. Likewise, Congress has given many of the duties and responsibilities bestowed upon them by the electors to President Roosevelt. If we pass this bill, he will have powers to correspond to the powers given to President Hindenburg. Hindenburg did not become a dictator, but Hitler did.

By the press we are informed that the President says he does not want to be a dictator, which we may accept. However, many believe—and I am one of them—that this brain-trust managers do want a dictator and are only using him as the means to an end—end of republican form of government—and if they succeed he never will be a dictator. They will see to that. But it can happen here.

I have received many telegrams and letters in opposition to this scheme. This may be called propaganda by those favoring the bill, if there be any. The people of this Nation were wrought up and scared when President Roosevelt tried to take over the functions of the Supreme Court. They are just as much up in arms now when they see our republican form of government in grave danger and slipping away from us, with dictatorship at our doors.

Why jam this bill through without giving enough time to discuss it? The bill is only in a rough draft, printed for the first time Thursday morning, and few, if any, have had time to read it, to say nothing about giving any study to the bill. If we were to give this bill a few days to be studied, it would never pass, and that, to my mind, is why the President is trying to rush it through. The people do not want it.

I want to read a few extracts from letters I am receiving from people back home.

Quotations taken from letters from individuals:

"Oppose the reconstruction bill that increases the power of the President."

"More 'power' in the hands of the President is unthinkable; witness his almost daily manifestations of his unfitness. His ambition to be a 'master' of men is abnormal."

"Not a sane or patriotic reason for one-man rule."

"Protest the passage of the reorganization bill giving power to the President which belongs to Congress."

"Stop the passage of the reorganization bill giving power to the executive branch which the Constitution vests in you."

"I consider just another step toward dictatorship in this country."

"This bill is positively not in the interest of democratic government. It will narrow and limit the powers of Congress and the Congressman who votes for this bill is shirking his duty to his constituents. After all Congress represents the people and not the President."

"The abolishing of the Civil Service Commission is enough in itself to warrant its rejection. Everyone to whom I have talked is wrought up about the bill and I believe that you will see reverberation at the fall election if this bill goes through."

"It is in your hands that democracy in our country may continue to live. Your vote against this bill will help toward this end."

"The Federal reorganization bill as now before Congress is one of the most vicious attempts that has ever been proposed on the part of any administration to nullify the prerogative of Congress and place the Chief Executive in a dictatorial position."

"There is great need for an independent auditor who will carry out the will of Congress. Likewise, civil service should be put back on merit where it belongs."

"Kill the reorganization bill so we can still call ourselves American."

"This bill must be killed decidedly to make it clear to the public that we are going to continue along constitutional lines, shutting out all dictatorial proposals and leaving the balance of power in the hands of the duly elected and constituted authorities where it belongs."

"Kill the reorganization bill and stand up for our liberty."

"DEAR SIR: Prayerfully and hopefully we are urging you to do your utmost to defeat the reorganization bill and save our birth-right."

"A deformed democracy cannot endure; either fascism or communism will settle the estate. It is a terrible thought to me that a group of men, whether it is 100 or 400, may vote away the birth-rights of these thousands of boys and girls now attending our public schools."

"May the good Lord help you and give you strength to fight their battles, to the end that they may live and grow up free citizens in a democracy and not serfs in a totalitarian state. This reorganization bill is one more step to overcentralize authority. It must not pass."

"Respectfully yours."

"DEAR CONGRESSMAN LORD: I exercise the right of petition given me by our Constitution. I do not seek to 'purchase' any Member of Congress."

"I ask you to vote against this reorganization bill and help save our American system of democracy and congressional government."

"I am in dead earnest, and so are hundreds of my friends."

"Respectfully."

Letters from organizations:

"Please keep us from further slavery and vote against the reorganization bill."

"If you had been in Germany within the last few years you would not hesitate." (Equitable Life Assurance Society.)

"In our opinion, the enactment of the Senate bill for the reorganization of Federal agencies in its present form would be a blow to the cause of popular government."

"We are strongly opposed to the scrapping of the Civil Service Commission by the Senate bill and the substitution therefor of a single civil-service administrator, with all that such a move would imply."

"We feel strongly that Congress should retain its direct control of public funds and expenditures through the maintenance of an independent Comptroller General." (National Grange.)

"Our federation, representing 59 farmer-owned and farmer-controlled cooperative associations engaged in the marketing of dairy products for more than 350,000 dairy farmers, is unalterably opposed to the pending reorganization bill." (National Cooperative Milk Producers Federation.)

"Do you want an independent Congress or a collection of 'rubber stamps' masquerading as representatives of the people?" (Columbia University.)

"In our opinion, the Civil Service Commission and the United States Employees' Compensation Commission should be retained as independent agencies." (American Federation of Labor.)

"We are of the further opinion and request that the House provide that any Executive order issued by the President under this bill which consolidates, abolishes, or transfers any bureau or department, or any of their functions, should not be effective until approved by a majority of both Houses." (American Federation of Labor.)

"We object most seriously to the sweeping delegation of congressional authority to the executive branch of the Government. The Congress ought to retain all its constitutional authority in conformity with principles of democratic procedure and democratic government, and that said power ought to be broadened and extended instead of being curtailed or surrendered." (American Federation of Labor.)

"The American Federation of Labor, its affiliated organizations, and its entire membership are greatly alarmed over the serious implications involved in this legislation." (American Federation of Labor.)

I have hundreds more telegrams and letters, coming for the most part from people I know, who are distressed and worried over the thought of our going into a dictatorship. They all see what is happening across the water in Europe and Asia and I believe they have a right to be disturbed.

President Roosevelt has managed this country for the last 5 years, as he and his managers, brain trusters, thought best. He has had a free hand and the cooperation of the entire Nation until they saw what an utter failure he was making of his administration. It is conceded now that he knows little about business. It would seem that he is trying to make conditions as bad as he possibly can in our Nation and some think it is to bring about a one-man control.

I want to urge upon the Members of this House that what they are confronted with today is, or should be, far above political maneuvers. The destiny of our Nation rests with our decision on this legislation.

One great man in the Democratic Party said in substance that he was opposed to a dictator even though he be a good one. Another great man of the party has likewise said, when discussing the Supreme Court, "It is more power than a good man should ask or a bad man should have."

I hope when the vote on this bill comes that men will rise to the emergency and vote for what they know is right, and save our Nation from a dictator.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield such time as he may desire to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Chairman, I wish to thank the gentlewoman from Massachusetts for her courtesy in extending to me as much time as I might wish to consume in discussing this most important measure. It is unfortunate that the time has been so limited for this bill is of such importance that every Member of this House should have a chance to discuss this bill and to express his views with reference to it. I shall consume only a short time.

The alacrity and speed with which this bill is being crowded through this House does not reflect credit on those responsible for it. The Senate took several days for the consideration of this measure and if they had taken 1 or 2 days longer we would not have this bill here today, for it would have been defeated in the Senate. Likewise if we would have sufficient time in this House to discuss this bill thoroughly it would be defeated overwhelmingly. My reason for this bold statement is that there is no doubt but that the temper of the American people is overwhelmingly against it. This is attested by the opposition demonstrated by the people everywhere who are flooding this Capital with telegrams and messages of all kinds. If this bill is passed it will be simply because the administration has enough servile supporters in this House to vote for it regardless of the voice of the people. Where are those great self-appointed friends of the people who have been shouting in these Halls so loudly in the last few years that they were sent to Congress purely by the mandate of the people? They have forgotten to listen to the voice of the people. There is no question but that the voice of the people is yet the most potent power in America when the people have a chance to use their voice. It was the people who defeated the Supreme Court bill. The same influences that were at work in trying to foist on the people the legislation regarding the Supreme Court are those who are directing the forcing of this bill today. The President in his midnight letter disclaimed any intention of being a dictator. He says that he has no qualifications for a "successful dictator." But he has all of the marks of one who is ambitious to become a dictator. This is shown by his efforts at discharging Mr. Humphreys against whom he said himself that he had no complaint except that the mind of Mr. Humphreys did not go along with the mind of the President. The Supreme Court thwarted him in this dictatorial course. He further showed signs of it when he openly defied the Supreme Court which is a coordinate branch of the Government with the Executive. He has done the same thing on innumerable occasions with his must legislation.

Of course, he would deny that he has ambitions to be a dictator but he admits in his letter that there must be many people who believe that he has ambitions in that direction. I refer to this not that I believe he will ever be a dictator, because I have more faith in the patriotism of the American people but I refer to it because he has from the very beginning of his administration assumed a dictatorial attitude with reference to driving Congress.

It is not safe for a Democratic Member of this House to follow the Democratic leadership. Every Democrat here who has served any length of time must admit that on many occasions they have been herded like a lot of sheep to follow the titular Democratic leadership only to find that after they had shown their loyalty and cast their votes for certain legislation that when that same legislation got to the Senate it was kicked all to pieces and entirely different legislation passed. Just 2 or 3 weeks ago we passed in this House very important tax legislation. We Republicans at that time waged a vigorous fight against a provision in that tax bill which was leveled especially against family and closely held corporations. The people back home arose in arms with the result that enough of the faithful Democrats joined us to defeat that provision. We Republicans made a vigorous battle against other provisions in that bill, such as the undistributed-profits tax. Many of you against your wishes and against the wishes of your constituents followed your leadership only to find that when the bill got to the Senate that provision also had been thrown out. When that tax bill comes back to the House for consideration it will have removed from it all of those objectionable features which the American people implored you to take out, and which you failed to do because of your loyalty to your leaders. These leaders are not following their own convictions in many cases but because of their position as a part of the administration they must follow the dictates of the White House. That is the reason that the President got up out of his bed to dictate this recent letter to them. He knew that the public sentiment was overwhelmingly against him in his attempt to usurp power and he is attempting to stem the avalanche. Therefore I plead with every free Congressman to assert his freedom and to separate himself from unreasonable dictation and heed the voice of his own conscience and the voice of his own constituents.

Today we have listened to a very well-prepared address by the gentleman from Kentucky [Mr. VINSON]. Many of you will follow him because you think he is speaking for the President. Likewise on yesterday the distinguished gentleman from North Carolina [Mr. WARREN] delivered a forceful address. Some of you will follow him because you think that he is speaking for the President. Yet, my friends, both of these gentlemen are openly and notoriously against the program of the President because the President is unqualifiedly for the bill passed by the Senate. Neither of these gentlemen is for that bill. Both of them have left the President. The gentleman from North Carolina said emphatically that he was against the Senate bill in toto. The gentleman from Kentucky is also against the Senate bill in toto for you will notice in this bill that I hold in my hand—S. 3331—that every line in the Senate bill has been marked out and a new bill substituted for it. Now, the gentleman from Kentucky and the gentleman from North Carolina are for the new bill. The President, in his letter to all of you, said this "But there are two cogent reasons why the bill should go through as it is now drawn." He meant the Senate bill. If he did not, then why did he issue such a terrible blast implying that those Senators who supported the Senate bill should be praised for voting for the Senate bill and that they could not have been bought by certain influences, which he criticized. Many Senators who voted against the bill took umbrage because they felt that his blast implied that they might have been bought. In other words, when this bill was before the Senate the President was for the Senate bill. It is only fair to imply that he is still for the Senate bill. Now, if these two mouthpieces of the President have left the President, why should you follow them? If you do follow them you

are against the President for he is for the Senate bill. Again I express the hope that all Democrats as well as Republicans may, when we vote on this bill, feel free to vote as their consciences dictate and as their constituents indicate.

Before I leave this subject let me say that Members who are torn between their loyalty to their party and their loyalty to the people must remember that a situation of that kind is easily resolved when one considers that he is expected to follow his leaders in matters of policy only, but that in matters of principle he is expected to follow his own judgment and his own conscience. This is a matter of principle. The people of the Nation are stirred up. They are afraid that their liberty is in the balance. You cannot help it that they doubt the sincerity of the President. You are not responsible for that situation. If the people honestly distrust the Executive, and if they are afraid that he is going to invade the fields of education and other social fields where no Executive has ever invaded before, it is your duty not to thwart the wishes of the people but to help them to attain what they desire. I am not assuming to advise or dictate, but I know that there are many Congressmen here who if released from the fear of the political lash they would make short shrift of this bill and give the Executive to understand that his place is to execute the laws and not to make them. Just like they gave him to understand that it was his place to execute the laws and not to pass upon them judicially as he was trying to do in the Supreme Court matter.

The people know that the President has nothing but ulterior designs upon the civil service. The control of the civil service is not an Executive matter. It is primarily a legislative matter. If it was strictly an Executive matter, it would be a political matter and employees would be selected from the political standpoint. The very reason for the establishment of the civil service was to get away from politics. Of course, there must be some executives in the civil service and there must be some executive control of the civil service, but it must be such an executive control as the legislative branch will provide. There must be some executive control in the judiciary. The Chief Justice must lead the other Justices. The United States marshal must do his part, but these functions are not executive in any sense that they are under the control of the President. They are not under the control of the President. Likewise the civil service should not be under the executive control of the President. If ever the civil service is placed under the control of the Chief Executive, God pity the civil service from that time forward. The same would be true of the Comptroller General's office.

Likewise it is unwise to place the expenditures of money in the hands of the President and then place the auditing of all those expenditures in the same hands. It is patent that the function of an auditor is to act as a check on the spending agency. We should have a preaudit when we consider the gigantic expenditures of our Government. Likewise we should have a postaudit. All of these should be free from the domination of the President. He should not be permitted to select the person who is to audit his expenditures. If we had no such checks and balances the President would have built the Florida Canal as he started to do and likewise he would have built the Passamaquoddy project as he started to do.

I am sure that the people of the United States are tired of the Congress surrendering its power to the Executive and I for one refuse to do it.

I expect to vote against this bill for all of the reasons above given and many more that I could recite. In these days of toppling markets, with business at a standstill, with 15,000,000 unemployed, and with 20,000,000 on relief rolls, what is to be gained by mixing up the functions of the Government at this time?

I cannot see how this administration could have the effrontery to claim that it now wishes to curtail the overlapping of departments of Government when it has created probably more new departments than all of the rest of the administrations from Washington down to this time.

What this administration needs is to do something to inspire confidence in the people. What it needs is to do something to show that it has some ideas of thrift. I defy anyone to find any mention of the word "thrift" anywhere in any of the messages of the President since he has been President. Regardless of how speedily this bill will be forced through this Congress, I expect to be here to cast my vote against it. [Applause.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from South Dakota [Mr. CASE]. THIS BILL DESTROYS THE INDEPENDENCE OF THE COMPTROLLER GENERAL.

Mr. CASE of South Dakota. Mr. Chairman, it is unnecessary to indulge in speculation as to the effects of the portion of the bill that relates to the Comptroller General. I refer particularly to sections 303 and 304.

Section 303 repeals the portion of the present law which makes the Comptroller General not removable by the President. Paragraph (d) of section 304 makes the Comptroller General subservient to the Attorney General and reads in part as follows:

The Attorney General of the United States shall render opinions as to the jurisdiction and authority of the General Accounting Office in connection with the settlement and adjustment of any account or claim, and such opinions of the Attorney General shall be final and conclusive.

The chairman of this select committee made reference to a bill that passed this body last August to adjust certain accounts that were held illegal by the Comptroller General. I am astonished that he made reference to it, because that particular legislation lays bare what sections 303 and 304 do. It is exactly a case in point.

And no Member of the House has been more faithful in trying to protect the Treasury than the gentleman from Missouri, the chairman of the committee which offers this legislation today.

I can explain his attitude today only on the ground that as chairman of the Select Committee on Reorganization it was his job to husband this bill and he is trying to be a good soldier.

Let me give you the background of that legislation as stated in the words of the chairman of the select committee, the gentleman from Missouri, himself. On the 4th of last August we had under consideration the bill, S. 1935, the particular bill to which the chairman referred. The gentleman from Missouri [Mr. COCHRAN] explained the bill in these words:

The Attorney General had held in an official opinion that the President of the United States had the right to issue an Executive order to adjust the salaries of what might be called temporary or emergency employees. Reference to the report makes it clear that what the President attempted to do by Executive order was to change certain salaries, to increase some salaries and to decrease others, without regard to the civil-service qualifications.

Get the import of that—the increase and decrease of salaries by Executive order without regard to the Civil Service Act and without legislation by Congress. The Attorney General said it could be done; the Comptroller General said it could not. Let me give it to you in the chairman's words. He went on to say:

The Comptroller General's views were in conflict with the views of the Attorney General. Acting on the advice of his legal adviser, the President issued the Executive order and his Cabinet officers and other administrative officers adjusted the salaries in keeping with the Executive order.

In short, the salaries were changed and were paid without regard to the Civil Service Act and in disregard of the salary schedule established by law. If you want the details, get House Report No. 1414 on S. 1935, and read the RECORD for August 4, 1937. The Attorney General said the increases were necessary for attorneys who were examining titles for the Public Works Emergency Housing Corporation. On his advice, the President issued Executive Order No. 6746 setting forth a schedule of salaries for 19 different grades of employees, listing the corresponding salaries under the Classification Act—in some cases higher, in some lower. But

whatever it was, it was an amendment of the salary schedule of the civil-service laws by Executive order.

The Comptroller General, as the gentleman from Missouri pointed out, held the payments illegal and held the officers making them accountable. So we had to report to Congress exactly what they tell us what we will get from the new Bureau of Audits, a report on the illegal payments after the payments have been made. And what did the report call for? It asked Congress to overlook the illegality and allow credit for the disallowances. You have heard the chairman again this afternoon say it involved about \$300,000.

Presenting the adjustment bill last August, the gentleman spoke sharply of such a practice. He said:

It brings about a situation which your special committee on reorganization is confronted with and that is the constant dispute between the executive departments of the Government, the Attorney General, and the Comptroller General over the question of control of Government expenditures. * * * As I say, that is one of the important questions confronting your reorganization committee at the present time, and it has given us no little concern. We have spent many, many hours discussing it. I do not know what conclusion we will eventually reach, but we are working on it, and do not be surprised if a bill does not come in here at this session of Congress upon the subject.

The Committee on Expenditures in the Executive Departments recognized that this was a serious question. They presented that bill apologetically. Read the debate at that time if you want to know how they felt about the matter when they were speaking from close grips with exactly the situation we have here—the question of placing somebody above the Comptroller General. Mark you—the conflict then was between the Attorney General's opinion and that of the Comptroller General, a conflict between a political appointee and an officer who was made independent for the express purpose of ruling freely and independently on expenditures.

Here is what the committee said at that time in their report accompanying the bill, S. 1935:

The committee was strongly of the opinion that the conflicting views of the Attorney General and the Comptroller General should have been reconciled before the increases were actually granted. * * *

The committee further feels that too often executive officers have acted in conflict with the opinion of the Comptroller General. Congress created the General Accounting Office to provide a check on Government expenditures.

Congress did. It created the Comptroller General to provide a check on Government expenditures and not to be overruled by some political appointee. Yet the bill before us today, makes the Comptroller General removable by the President and gives the Attorney General final and conclusive authority over his jurisdiction and authority.

The committee, last August, further said:

The committee, while reporting this bill, wants it distinctly understood that it is not setting a precedent to be followed in the future nor is it condoning the acts of executive officials who disregard the Comptroller General's ruling.

THIS POWER DOES NOT EXPIRE IN 1940

Mr. Chairman, but it is proposed that we shall condone it for all time today. The precedent will be written into the law if we adopt this measure before us today. For here it is proposed definitely for once, and for all, to make the Comptroller General subservient to the Attorney General and to the President. And this, Mr. Chairman, is not any temporary arrangement. This is not a power to expire in 1940. This portion of the bill has nothing to do with reorganization powers granted to the President. This is, in itself, a direct act of legislation, this reducing of the Comptroller General to become a "yes man" for the Attorney General. This is, in itself, a recognition of that contested point—the right of a President, any President, mark you, hereafter to change salaries by Executive order without regard to the Classification Act. That is a point which the gentleman from New York, the genial chairman of the Post Office Committee, entirely overlooked in his defense of the direct civil-service section of the proposed bill.

The committee last August said it was a serious question. The chairman said they were spending many hours working on the problem. They did work on it and this is the result.

But how did they resolve the question?

They resolved the question by making the Comptroller General subservient to the Attorney General. They did it by providing that the President, any President, will hereafter have the authority and power to remove the Comptroller General. They did it by limiting the jurisdiction of the Comptroller General to whatever an Attorney General says it is. And future Attorneys General will be less than human if they, too, do not keep the Comptroller within the limits satisfactory to their chiefs.

They answer the question, Mr. Chairman, not by preserving the independence of the Comptroller General. They did it by abolishing that independence. They did it in the face of that precedent which would forever say an Executive order can change, amend, or annul the salary schedules established under civil-service legislation.

LEGISLATION BY EXECUTIVE ORDER

And, Mr. Chairman, if a President, any President, can disregard salary schedules fixed by the Classification Act, he can rule that other laws involving expenditures can be set aside by Executive order. If the Attorney General is given the power to determine the jurisdiction of the Comptroller General, as this bill definitely proposes to do, the Comptroller General's authority to pass on certain expenditures will be denied by the Attorney General; and, if that is not enough, the President, any President, is to be given the power to remove the Comptroller General.

And if that is not enough the postauditing bureau of audits can bring in a justification bill and give a post-mortem legality to the illegal expenditure.

The committee is saying to the Comptroller General and the Attorney General, "You two must get together. You must become one, but the Attorney General must be the one."

That Mr. Chairman is what sections 303 and 304 in the proposed bill do. They destroy the independence of the Comptroller General and they destroy the control of Congress over the expenditures. Henceforth salaries and expenditures can be by Executive order—and that is a power proposed in this bill which, if enacted, does not expire in 1940. [Applause.]

[Here the gavel fell.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. DIES].

Mr. DIES. Mr. Chairman, I have asked for this time in order to speak on behalf of an amendment which will be offered by my colleague and friend, the gentleman from Ohio [Mr. KNIFFIN], a member of the Reorganization Committee. An amendment which will reserve to the Congress of the United States the right to reject any Executive order by a majority vote and to retain ultimate control should be added to this bill.

I cannot see how any one could oppose such an amendment. I am aware of the fact that some argument has been advanced that it is unconstitutional. That argument is predicated upon an opinion rendered by an Attorney General in a Republican administration. I call your attention to the fact that the interpretation of the Constitution has radically changed since that time. I think that the gentleman from Ohio [Mr. KNIFFIN] will be prepared to present to this House logical reasons why the amendment should be incorporated in this measure. I believe that Congress can retain ultimate control in a constitutional manner. I do not believe that the President of the United States aspires to dictatorship or entertains the slightest idea in that respect.

On the other hand, there is an instinctive fear in the American people against encroachment by the executive department of the Government upon the functions and rights of the legislative department, and when we consider

what is happening throughout the world today, how step by step the rights of the people are being destroyed in the name of liberalism, in the name of the common man and under all sorts of pretexts, it is nothing but wholesome and right that the American people should jealously guard the liberties and rights which were purchased by the blood of their heroic ancestors.

The President has said in his letter he would abide by the concurrent opinion of both branches, and I am sure he will. This being true, neither he nor anyone else should have any objection to the incorporation in specific terms of that provision in this law. You and I are merely trustees who occupy a fiduciary relationship. We are not only dealing with our personal rights, but we are the guardians of the rights, the liberties, and the prerogatives of the American people. We therefore owe a duty to them to jealously guard those rights and to take every possible means to place in plain and unmistakable language such limitations and such restraints as will beyond the peradventure of doubt protect the rights of the American people.

I hope the committee will accept the amendment, which will improve this bill. I know there is a great deal of propaganda which is inspired by political motives, but there is also a genuine belief on the part of many unselfish Americans that we must prevent the concentration of power. This belief is widespread and is not confined to any one class or to any one section. In the interest of the President and of the Democratic Party and of this Congress, it does seem to me there should be no objection to writing into this bill a simple, plain amendment that will reserve to us our functions and our rights as a great legislative body, so that when the Executive orders are issued, at least by a majority vote, if the President has made a mistake, we will have the opportunity to correct that mistake.

Mr. O'MALLEY. Will the gentleman yield?

Mr. DIES. I yield to the gentleman from Wisconsin.

Mr. O'MALLEY. Does the gentleman think this is a wise or auspicious time, in view of the world atmosphere, to extend the powers of any Executive?

Mr. DIES. May I say to the gentleman, I believe that bureaus and boards must be consolidated or abolished in appropriate cases. I doubt very seriously if the Congress will do it. The presence in our gallery of great hordes of people when there is an attempt made to curtail the functions of boards and bureaus, the pressure from certain organized groups, the constant propaganda that hampers us in our undertaking to curtail and eliminate duplicating activities of the Federal Government, all demonstrate that the Executive is in a better position to make recommendations. But still let us not forget it is our primary function and that if we transfer that function without retaining ultimate control we are confessing our inability to do it. [Applause.]

[Here the gavel fell.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. CARTER].

Mr. CARTER. Mr. Chairman, as an indication of how one community in this country stands on the pending question, I want to read a telegram which I received a few minutes ago from the Merchants' Association of Pittsburg, Calif. The telegram is addressed to me and reads as follows:

PITTSBURG, CALIF., April 1, 1938.

Congressman ALBERT E. CARTER,

House of Representatives, Washington, D. C.:

Contending that the reorganization bill now before the House is vicious, detrimental to business, and another step toward a dictatorship in these United States, businessmen of Pittsburg, Calif., are planning to close every store and business in the city for 1 day, in protest to passage of the bill, and call upon every other businessman in the country to do the same. We ask you as our Representative to vote against this bill and use all your influence to aid in its defeat.

MERCHANTS' COMMITTEE,
FRANK J. HOLLENDER, Chairman.

Let me say that Pittsburg is a thriving city of some 10,000 population and that Mr. Hollender is a leading Democrat of

that community. I have no doubt the sentiment expressed in this telegram as manifested in the city of Pittsburg can be duplicated in hundreds of cities throughout the country. I ask the members of the committee to remember you are representing the folks back home. Take into consideration their sentiments before you determine how you are going to vote on this very important question. [Applause.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. POWERS].

Mr. POWERS. Mr. Chairman, I am extremely grateful, particularly in view of the gag rule that has been invoked here by the Democratic majority, to obtain just 1 minute to express my disapproval of this bill. Never in the history of Congress has the majority tried to gag the minority as it is doing at this time. I understand there is a movement on foot to pass this bill or to vote on this bill by tomorrow night so the radio commentators throughout the country on Sunday and the press cannot tell the people of this country just what this bill is. I think this entire procedure is deplorable. I believe we should have a week or a month to debate this bill, and I believe the people of this country believe so, too. [Applause.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield such time as he may desire to the gentleman from Michigan [Mr. DONDERO].

Mr. DONDERO. Mr. Chairman, with 1,100 telegrams and 700 letters on my desk, all protesting against this bill, I rise this afternoon to express my opposition toward this bill so the House and the country may know my stand regarding it.

We are confronted in this Government reorganization bill by a situation strange in the annals of this country, and unparalleled in the history of the Presidency. We are witnessing the spectacle of the administration using every power of persuasion, of threats of punishment, of promises of reward in order to force through this Congress a bill thrusting upon the Chief Executive the very powers which he is so anxious not to have that he awakened the newspaper correspondents at 1 o'clock in the morning down in Georgia to have them notify the Nation of that fact.

All of the fallacious argument, all the belaboring of technicalities of language, all the pettifoggery that has been and is being indulged in concerning this measure does not conceal from this Congress and cannot conceal from the country the fact that the powers which would be granted the Chief Executive if this measure passes are dictatorial in their nature and nothing else.

If Mr. Roosevelt meant what he said in that now famous letter to his unidentified friend, which he thought so important to the country that he deemed it necessary to awaken the press correspondents at 1 o'clock in the morning to give them a copy of it, in order that they might convey a nightshirt message to the people, then we ought not to thrust upon him the powers which would be vested in him by this measure.

If he did not mean what he said in that letter to his nameless friend, then the only purpose of that eerie midnight performance must have been to enable the administration leaders in this House to lash this bill through before the rising tide of public protest against it could reach the Members of this body in such volume as to result in its defeat.

In the latter case, the Chief Executive is virtually in a race with scores of organizations and thousands upon thousands of citizens against time. If the administration can force this bill through before this rising volume of public protest can be effective, the President will have these powers, which he declares he does not want, regardless of the nationwide protest against the measure.

I am making no charge of insincerity against the President as to his famous midnight epistle, but I do say that the reports which are current concerning administration pressures which it is said were applied while the reorganization

bill was before the Senate contradict both the letter and the spirit of the President's dream-hour declaration.

Mr. Roosevelt has declared that he does not desire dictatorial powers. I declare that the first step toward a dictatorship under a political autocracy is the abdication by the parliamentary body of its own prerogatives and control over Executive acts and public expenditures.

Regardless of what name you give to it, or of the manner by which you choose to excuse it, the provision in this bill that requires a two-thirds vote of this Congress to estop the Chief Executive from any act considered unwise or improper constitutes an abdication of its constitutional functions and duties. I assert that the provision in this bill denuding the Controller General's Department of any power to prevent expenditures of public moneys before such expenditures are made, and which restricts that Department to the mere function of notifying the Congress if, as, and when such illegal expenditures have been made, constitutes an abdication by this Congress of its constitutional function and duty of maintaining control over the expenditures of the public funds.

The country will not be fooled by the propaganda now in full swing to gloss over the dangerous features of this vitally important piece of legislation. The country is now aware of the fact that every conceivable pressure has been brought to bear upon this Congress by the administration to rush this bill through in the face of a volume of public protest rising by the hour.

Despite the effort of the President to cast slurs upon the Members of the Senate who conscientiously opposed this measure over there, despite the effort of the President to cast slurs upon the American Federation of Labor, and the National Grange, and scores of other organizations, and the thousands of citizens who employed their constitutional right of petition to their Representatives to ask that this iniquitous measure be defeated, the country will not be fooled.

Never in all our history has there been such a glaring contradiction as that offered by the present situation in which the President, at 1 o'clock in the morning, assured the Nation that he wants no dictatorial powers, while his leaders in the Congress are employing every device known to parliamentary tactics to lash this measure through the legislative body before the Nation-wide protest against it can be effective.

Who is there who believes that if this measure is passed that the Congress will be able to curb the President in any act he may see fit to take so far as reorganization of governmental departments and agencies is concerned? Who is there who believes, in the face of the recent Presidential court martial of Chairman Arthur Morgan of the T. V. A., that Mr. Roosevelt will not find ways to extend his authority under the terms of this act into every commission and board and independent agency now existing?

Who is there who believes that the civil service will continue to grow and improve under a single administrator as provided for in this bill?

Who is there who believes that that single administrator of the Civil Service Commission would be a courageous official who would defy the spoilsmen of the administration as their grasping fingers reached into the very vitals of the merit system to drag out political patronage, to pay faithful party henchmen political dues?

For 50 years, under Republican administrations, under Democratic administrations, the battle to establish the merit system in governmental service has gone on, and every hour of that time has been a bitter struggle to accomplish an adequate and efficient civil service for the United States of America. For the first time in half a century, Mr. Speaker, if you please, there has been a retrogression in the civil service under the present administration.

There is no question but what under the provisions of this bill, the civil service is at this very hour facing the possibility of wreckage. There is no question but what if this bill passes, with this civil-service provision in it, that the

efforts of those who were big enough and broad enough and patriotic enough to put country and principle above political expediency and patronage will within the next 3 years be frustrated and undone.

It is little less than farcical, were it not so tragic, to pretend for a moment that this provision in this bill establishing a single administrator over the civil service will not amount to and will not result in a reversion to the political spoils system in this country.

Consider for a moment the provisions embraced in paragraph (V) of section 402 of the pending measure, which provides that persons not in the service of the Federal Government who are experts in some aspects of personnel administration can be employed at a rate up to \$25 per day for consulting with, advising, or attending conferences of representatives of the administration. There is no limit imposed here as to the sums of the taxpayers' money which may be spent for these so-called "experts." There is not a line to say what their qualifications shall be. There is nothing in this act to determine who shall define who are or are not experts to be employed under this blanket authority for indefinite terms at a rate of \$25 a day, plus subsistence and other expenses. There is not a line to limit the number of such experts, the duration of their service, the amount of their other expenses, or to define their qualifications. Why, Mr. Chairman, this section, taken in connection with that changing the power and authority of the Comptroller General, leaves a situation where we might just as well vote the Chief Executive lump sums to be expended solely at his discretion, without any check whatever by this Congress, and then go home. Under such a situation, we could at least hold the President responsible for such expenditures. Under the provisions of this bill, however, the responsibility may be passed from the Chief Executive to any one of the 40 or 50 or more heads of departments, by the excuse that they requested the services of an expert.

Why, Mr. Chairman, there has not in the history of this Congress been presented a plan which will more effectively open the door for the distribution of juicy plums and luscious sinecures to political henchmen than is provided in this single paragraph.

Now, Mr. Chairman, consider the next paragraph (VI). That paragraph authorizes the President, or somebody under him, to purchase manuscripts from, or to meet the costs of special studies made by private persons, corporations, or other organizations, at the request of, or in cooperation with, the administration.

Not a line, if you please, defining what kind of manuscripts, what character of studies, how much they shall cost, how many there shall be of them, or what the limit of the total sum so spent shall be.

Why, Mr. Chairman, in the fact of an unbalanced Budget, getting further out of balance every day; in the face of the taxpayers of this country staggering under an intolerable burden of taxation, these provisions are utterly indefensible and inexpressibly dangerous.

Let us consider now, for a moment section 5 of part 3 of the bill establishing the Department of Welfare.

Under section 5, the Secretary of Welfare is authorized to promote the public health, safety, and sanitation; the protection of the consumer; the cause of education; the relief of unemployment, and so forth.

Here again, no limitation except the discretion of the President is provided for. The term "shall promote" is as broad as the ocean and as high as the skies. Under that grant of power, the Secretary of Welfare could proceed to socialize medicine throughout this country. He could make any sort of regulations which he could call "safety regulations." He could do anything he chose under the guise of promoting sanitation. He would be in complete control of education, as well as of relief, and assistance to the unemployed, the aged, and the physically disabled.

Why, under this single paragraph, the Secretary of Welfare would be made a dictator in plain terms. It is un-

believable that we are actually, seriously considering here today granting any such unlimited power to any such official of government, without any limitations upon the money he may spend, and without any definition or limitation of his duties and powers, except that one vague term, "shall promote."

It is little wonder that the National Grange has said that the passage of this bill will leave the Congress of the United States an empty and powerless agency to be used merely for appropriating funds for the use of the executive department of Government.

It is little wonder, if he read this bill which now is before the House, that Mr. Roosevelt thought it was necessary to awaken the press correspondents at 1 o'clock in the morning to tell the country he does not desire dictatorial powers.

Argue as you will, those of you who favor this bill, try to begot the issue as you may, try to plead confidence in the executive department as you will, you are face to face with this stark fact, that you are considering the abdication by the Congress of all of its powers of control over government which is the first step toward dictatorship; such a far step as to make perfectly easy the accomplishment of a political dictatorship in the United States before the people can realize what is happening and before they can gird themselves to defend their liberties.

I warn you now that if you take this step you will make necessary, sooner or later, a revolt on the part of the citizens of this country, and a struggle to recover their lost liberties and their rights of self-government, that will lead to God alone knows what disorder and chaos.

I find it difficult, as I stand here on this floor today, to realize that I find it necessary to raise my voice against any such incredibly iniquitous, dangerous, and unprecedented measure, granting such unlimited powers to the executive branch of the Government as this measure proposes to do.

Every Member of this body knows this moment that the tide of public protest against this bill is rising by the hour. Every Member of this body knows that the volume of that protest is growing by the moment. Every Member of this body knows that if the debate in the Senate had gone a week longer, the reorganization proposal would never have passed that body. Every Member of this body knows that if this measure is not driven through this House by the whip and spur of the administration within the next few days, the volume of public protest will be such that it will never be enacted.

If there are any here who are indulging themselves in the hope that the American people do not know and will not find out how they have been betrayed if this bill is passed, all such are entertaining futile expectations. The American people will know how they have been betrayed. The American people will know how their representatives have failed them. And the American people, although by their protest they may not be able to stop the passage of this bill now, will register their feelings at the polls next November. They will again register their wrath in 1940.

Here we stand today with the eyes of the world upon us, with America the hope and the inspiration of all the peoples of the world who love liberty and believe in democracy. If and when we pass this measure we will betray not only our own citizens, but we will betray the hope of the world. If we pass this bill, we will have spurned the blood of our forefathers shed upon the fields of America to achieve liberty and the right of self government.

Are you ready to take this step? I am not. [Applause.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. PFEIFER].

Mr. PFEIFER. Mr. Chairman, I rise at this time to inform the Chairman of the select committee and the Members of the Committee of the Whole that I am going to offer an amendment tomorrow to part 3, regarding the department of welfare, calling for the secretary of the department of public welfare to be a member of the medical profession. This part clearly states that this department shall promote

the public health, which means beyond a question of doubt the beginning of socialization of medicine. One can understand from the phrases used throughout this section that this means not only the beginning of socialization of medicine but also of education itself.

Mr. Chairman, I hope the Committee will accept my amendment. [Applause.]

Mr. BELL. Mr. Chairman, I make the point of order a quorum is not present.

The CHAIRMAN (Mr. TOWSE). The Chair will count [After counting.] One hundred and twenty-two Members are present, a quorum.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 15 minutes to the gentleman from Wisconsin [Mr. BOILEAU].

Mr. Chairman, I wish to state at this time to the Committee that I think we are much more courteous in recognizing that very important group headed by the gentleman from Wisconsin than is the majority side.

Mr. BOILEAU. Mr. Chairman, I should like to say I come here this afternoon feeling very sincerely that this problem must be disposed of in the interest of the American people. A good deal has been said about this bill being a dictatorship bill. I do not desire to enter into that controversy. I do not desire to go into the technical question of whether this bill does or does not give to the President of the United States dictatorship power. I do say, however, that apparently a large percentage of the people of this country honestly feel, either rightly or wrongly, that this is a dictatorship bill. If we in the consideration of this bill can so amend it as to bring about the desired results of reorganization and at the same time let the people of the United States know the Congress is not surrendering any of its power, we will be doing something in the interest of this great democracy of ours. I appeal to the membership of the House this afternoon to give just a few moments consideration to an amendment I propose to offer at the proper time, which in my judgment will enable this Government of ours to carry on a program of reorganization and at the same time will not mean a surrender to the Executive of any of the power the Congress now has.

The distinguished gentleman from Texas [Mr. DIES], a little while ago referred to the amendment to be introduced by the distinguished gentleman from Ohio [Mr. KNIFFIN]. He referred to the amendment that would provide that before the reorganization plan submitted by the President would go into effect it would have to be approved by a concurrent resolution of both Houses of Congress. To my mind, this proposition seems sound and reasonable. However, the gentleman from Texas pointed out that the President of the United States, and I do not desire at all to take issue with him, questions the constitutionality of using for this purpose a concurrent resolution which merely expresses the opinion of both Houses of Congress, the President's view being that a concurrent resolution could not nullify the act of the President in compliance with a law passed by the Congress. Whether the position of the President is right or wrong, if you will read paragraph 6 of the President's letter to an unknown friend, which was released the other night, I believe you will agree the President at least intimates he would be willing to have this matter in the hands of Congress if it were practicable, or if it could be done within the Constitution. He stated a joint resolution suspending the operation of this law would be necessary. Bear in mind, the existing law, which is carried out in this reorganization amendment, provides that an Executive order of the President must be submitted to the Congress, and Congress has 60 days in which to disapprove the order by a joint resolution.

It does not say by joint resolution, it says by law, which means a joint resolution in this instance, but under existing law, which is carried forward in this bill, if the President's program were disapproved by a joint resolution, that joint resolution disapproving his action would have to go back to the President for his signature, and if he vetoed

the joint resolution disapproving his action, it means that two-thirds of both Houses of Congress would have to act in order to prevent the order from going into effect.

Now, the President says, in effect, he does not need this extra precaution because he made it very clear that he would not, or does not expect to, put any reorganization program into effect if the considered judgment of a majority of the Members of both Houses disapprove such action. So I say to you that in all fairness the President meant to give the country the impression, and did give the country the impression, that on principle he was willing to leave it to the Congress, but he was afraid that action by concurrent resolution would be unconstitutional. Therefore I shall offer this amendment at the proper time:

On page 44, after line 2, insert a new paragraph, as follows:

(4) Section 407, as amended, is amended by striking out all of said section and inserting in lieu thereof the following: "Whenever the President makes an Executive order under the provisions of this chapter, such Executive order shall be submitted to the Congress while in session and shall not become effective unless—"

Bear this in mind, it shall not become effective unless—
not until, but unless—

"within 60 calendar days after such transmission Congress shall, by joint resolution, approve such Executive order or orders."

This takes away any question about the constitutionality of it. This means we give him the right to go ahead and work out this problem and submit to the Congress his Executive order, but such Executive order does not become effective in case Congress fails to act, but will become effective only in case the Congress or a majority of both Houses by joint resolution approves the proposition.

I submit, in all fairness, the President of the United States or his advocates for this particular legislation on the floor here cannot say that this does not give ample authority for reorganization of the Government, because I submit that under this proposal everything can be accomplished which Congress, the representatives of the people, are willing to stand for, and nothing more, and this is a fair enough proposition.

Mr. PETTENGILL. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman from Indiana.

Mr. PETTENGILL. The proposition that the gentleman from Wisconsin has laid before the House is substantially the Wheeler amendment?

Mr. BOILEAU. I may say it is substantially that, except the Wheeler amendment goes into writing rules for the consideration of the bill. I do not believe the rules of the Senate should be involved in this legislation. If it becomes necessary in order to insure action within 60 days by the Congress, the House of Representatives and the United States Senate both, if they deem it necessary, can adopt rules for the consideration of this type of legislation in the respective bodies, or they can, under the Constitution, in my judgment, adopt joint rules.

Such rules, of course, would be subject to change; but, after all, if this amendment is put in the bill there are two ways by which we can defeat the program; one is by voting it down and the other is by changing the rules that bring about its consideration; and so long as a majority of the Members of both Houses want the type of reorganization the President recommends, we can act, we are potent, we are able to do the thing; and I submit that when the recommendation or the Executive order comes to this House and to the Senate it comes up, not subject to amendment because the law provides that it shall be approved within 60 days or disapproved—not in part, not this part or that part, but the whole thing. So the question of logrolling is knocked out of it. There is no chance of trading votes. We have got to take it or leave it; and, after all, the President of the United States cannot justify an Executive order reorganizing the Government unless it is of a type that at least a majority

of the Members of both Houses are willing to accept. [Applause.]

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman from Oklahoma.

Mr. NICHOLS. I believe the gentleman in his amendment uses the words "joint resolution"?

Mr. BOILEAU. That is right.

Mr. NICHOLS. If a joint resolution must be signed by the President before it can have the force of law, even though you provide in your amendment that it will take a joint resolution, if the President refused to sign it, would you not be in the same position you are now?

Mr. BOILEAU. No; that question has been asked me several times. The President submits a program and we adopt it in toto, is there anyone who believes he is going to veto it?

Mr. NICHOLS. But we might refuse to do it by a joint resolution.

Mr. BOILEAU. That is right, and that is the control we have, and then it is as dead as a door nail. We have got to approve it in 60 days, and I would put the 60-day provision in there so no one will say we are leaving it so that it may drag along. We dispose of it immediately and it will be effective.

Mr. NICHOLS. Why not use the word "concurrent" instead of "joint"?

Mr. BOILEAU. Because the President of the United States has said that there is a constitutional question involved. It is just exactly the same thing. It provides for a concurrent resolution. It leaves the control in the majority of this House and the Senate. It accomplishes the same. It brings it back for our approval, and I submit that a joint resolution is preferable to a concurrent resolution because neither the President of the United States, nor anyone else can say it is unconstitutional.

Mr. HARLAN. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. Yes.

Mr. HARLAN. Under law as it is now, if the President submits a plan of reorganization to Congress, and it meets with the approval of Congress, we do not have to have a joint resolution.

Mr. BOILEAU. That is correct. I submit the President must make a recommendation to do it. He makes a recommendation. It goes to a committee. The committee takes it and some gentleman will say, "I do not want this department cut out," or some will say that he does not want the other department interfered with, and as a result, it brings the proposition back here on the floor if it is not acceptable to anybody or to Congress. In other words, the President tells us in advance by this proposal just about the kind of a reorganization bill that he will stand for, and we would have time to know in advance what he wants. We would know that it will not be vetoed, and it must be voted up or down, and if there is any need for a specific rule for consideration of the matter in the Senate or the House, both the House and the Senate have the right to pass their own rules. The Constitution says they can. They can pass any rule they want to. They can adopt the rule that the Wheeler amendment contains if they want to do that. The gentleman from New York [Mr. O'CONNOR] is a firm believer in reorganization, but he wants Congress to reorganize. I am satisfied that the gentleman from New York could within 15 minutes bring a rule back here that would be approved by all Members of the House. Some people have told me that the Senate would never agree to anything of the kind and stop their debate. Any Senator who will vote for this bill giving the President carte blanche authority, certainly would vote for a bill that will stop them from talking for 2 months. I do not think there will be any trouble. I hope the House will give this consideration, and will bear it in mind, even if it is a proposal that does not come from the Democratic side or from the Republican side.

I hope gentlemen will give this matter serious consideration, because I am convinced it is not so important whether

or not we pass this bill that gives the President dictatorial power as it is to convince the American people that the Congress of the United States will not surrender its power, that the Congress of the United States is going to retain its power; and that is as much as I have to say on the subject.

Mr. DUNN. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. I am sorry, but I have only very little time left. I want to emphasize the importance of this proposal. It is made in friendly consideration of the American people. I do not offer this in criticism of the bill, nor in support of the bill. I offer this as a proposal that will keep control in the hands of Congress and will still provide for a reorganization, and any friend of reorganization and also any friend of the President knows very well that any Congress that has votes enough to pass this type of legislation now before us will have votes enough to accept the recommendation of the President if it is reasonable, and I believe that we can carry out a program. I ask gentlemen to study this amendment between now and tomorrow. I shall offer it at the first opportunity I get, and I ask gentlemen to study it and give it fair consideration, and I believe all will recognize that with the power of the Senate and the House to adopt rules making it a matter of the highest privilege, it will work out to be in the interest of the American people. [Applause.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. MAAS].

Mr. MAAS. Mr. Chairman, we must all admit that the Government structure needs drastic revision and reorganization, but this bill goes beyond that in that it is the beginning of a change in our form of government.

The Congress itself is the source of the authority to establish the various departments and agencies of Government. Congress itself should be the authority for reorganizing and consolidating and eliminating bureaus, and so forth.

To delegate to the Executive the power to eliminate an agency created by Congress may very well be used to defeat the very purpose of the Congress in establishing that agency. The Congress, as the most direct representative of the people, frequently feels it desirable and essential to create an agency in the Government independent of the President and executive departments for the very purpose of reviewing actions of the Executive and his subordinates as part of our system of balances and checks.

To give the President the power to abolish such an agency, even though presumably its functions are only transferred, is obviously unwise in a democracy. It might easily circumvent the whole policy of having a check by Congress upon excesses by Executive bureaucracy.

Executive-controlled bureaucracy is the greatest threat to democracy. There are many features of the bill I do not like, but let me use the case of civil-service administration as an illustration.

We have a standing committee in the House on civil service, of which I am a member. The Civil Service Committee of the House has studied this problem for many years. It has been a continuous process, and that committee now has a bill to extend the civil service, upon which extensive hearings have been held and great consideration has been given to the subject. Your select committee has not had the benefit nor the advantage of this study, which the standing committee has made, and it is an utter impossibility to expect them to deal with such a comprehensive program in a very limited time and with the limited facilities at their hands. Our committee was not consulted, our recommendations have been ignored. We have before our Civil Service Committee now a bill which will actually extend the merit system in Government. I do not believe there is a greater threat to democracy than the patronage system, and the one safeguard against patronage control by one branch of the Government of another branch, is to extend the merit system. We all know the power that the Executive has, any Executive, over a legislative body in

controlling legislation, if he can control the patronage upon which the Members of the legislative body depend for their election.

We have heard a great deal about being sold out by telegrams. But what about the black pictures in American history when the will of the people has been defeated by the open barter of legislation through the use of buying and selling votes on legislative bills through dispensing jobs to Senators and Congressmen. We are all familiar with it. This bill does not correct that situation, it does not even strike at it.

We are not half so much in danger of losing our democracy through war nor Communist agitation, nor propaganda as we are in danger of destroying representative government by failing to enact and protect an adequate merit system. This has been the desire of the American people for many years, but it is being destroyed. Instead of correcting the situation we are accentuating it. The provision in the bill in regard to civil service rather than protecting the merit system is giving protection and giving the benefit of legal protection to the perpetuation of the spoils system, the very thing which for years we have been trying to prevent. This bill in that respect sets back 100 years the cause of advancing the democratic processes and leaving the legislative branch free of interference by the Executive. The one hope of making the legislative body free and independent and responsible solely to constituents, is abolition of the spoils system. Let Members of Congress be judged for reelection upon their legislative record rather than upon a political machine which they may build through the use of patronage. The way to stop this is to take patronage out of the hands not only of Congress but of the executive departments.

Mr. GRAY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MAAS. I yield.

Mr. GRAY of Pennsylvania. What would the gentleman think of a proposal so to amend the Constitution as to prohibit any Member of the legislative body, Senate or House, being appointed to any judicial or Government office during his term of service?

Mr. MAAS. I think it would help very much. I have a bill pending which would make it a felony for a Member of Congress even to recommend anybody for a Federal appointment. [Applause.]

If I am reelected, I intend to reintroduce it in even stronger terms next session.

A one-man civil-service administrator, subservient to the President, is not conducive to impartial administration of the civil-service laws and the protection of Government employees in their civil-service rights. The case of the removal of Arthur T. Morgan, Chairman of the T. V. A., is an illustration of how a President can control such an agency.

The cry is raised that Congress has had the power to have reorganized the bureaus of the Government at any time, and still has done nothing about it. The truth is, Congress has never had the support of the President in a movement to itself reorganize the Government.

The President has never recommended a plan nor program to accomplish the purpose of simplifying the clumsy, top-heavy Government organization. He has only asked authority to permit him to do it himself.

The proper, orderly, democratic way to do this thing is to have the President submit the results of his studies and his plan for reorganizing the Government structure to the Congress and then let us in an orderly way, with the benefit of the specialized knowledge of our various standing committees, study and pass upon the plan, judging each change upon its merits.

Why this rush to continue to delegate our powers?

The essence of democracy is that the direction of Government and the all-important functions of raising the revenues and providing for the expenditures of public funds,

should be in the hands of the legislative agency of the people. If you delegate to the spending agency—the Executive—the control also over raising the funds and virtual unrestricted power to spend the money without restraint, you no longer have democracy.

The Constitution sets up the Congress as the most immediately responsive agency to represent the will of the people. It therefore gave exclusively to the Congress the power to lay taxes and provide for the appropriations of public monies.

Surely, the President has a plan for reorganizing the executive branch of the Government. If he does not have, then he is in no better position than he claims Congress is.

If he does have a plan, why should not he submit the plan to the Congress and let us pass upon his plan?

If Congress continues to delegate its powers and responsibilities the time will surely come, when the Congress, as the direct representatives of the people, will permanently lose those powers. They will lose them, not for themselves, but for the people whom they represent.

This constant delegation of power by the Congress to the President must stop, or our very form of government will be basically changed. If Congress continues to fail to function in its obligations, the right to function will be lost, and 500 years' struggle—from the granting of the Magna Carta—to achieve our democracy will be lost with it.

To persist in this policy of delegating our duties, responsibilities, and powers is to sell the peoples' birthright for a mess of potage.

But I fear the purpose behind this demand to turn this power over to the Executive is more than a mere desire to expedite a job that Congress seems slow at accomplishing.

Taken with the Supreme Court control bill, which was recommended to the Congress at the same time, it takes on a deep significance. Taken still further with the military control bill, which also provides for Congress to delegate all of its powers to the President, the whole trend becomes apparent.

There is a definite relationship between these various proposed measures, all administration supported, and all employing the same method, and all seeking the same purpose, the transference from Congress to the President of the powers of government.

What economy, and efficiency, that might be accomplished, if any, would be temporary, but at price of a permanent loss to the people to control their governmental affairs by direct representation.

Another dangerous provision is the setting up of a bureaucratic control of education. It may be true that this bill in itself does not go all the way in this matter, but it is a sinister step in a program that has been pushed for 20 years. What the proponents of a Federal Department of Education have never been able to accomplish directly, they seek to obtain by indirection in this bill. The ultimate object is and always has been Federal bureaucratic control of the schools of this country.

Congress has refused for 20 years to grant this power to any bureau of the Government.

But the ugly head of federalized educational control rears itself in this bill.

Democracy is certainly gone when bureaucrats and politicians can control the schools of the country and make of them a vast propaganda organization and a powerful political machine. He who controls the school system of the country will control the people themselves.

All of these things taken together clearly show that this bill puts altogether too much power for any one person to wield in the hands of one man. This is too dangerous no matter who that man may be.

This bill should be, and I hope will be, defeated.

[Here the gavel fell.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. GEARHART].

Mr. GEARHART. Mr. Chairman, the uniformly large attendance upon the proceedings of this Committee, the

crowded galleries, the thousands upon thousands of letters and telegrams that have been pouring in to the Members of Congress these past few days, attest to the fact that, in the estimation of the country, we have before us today one of the most important proposals that has ever been submitted to the consideration of this body.

In view of the fact that so many people regard this legislation as of the utmost importance, I am shocked, as I know the Nation must be shocked, by the indecent haste which the managers of this bill have availed themselves of in precipitating this little-understood measure upon the floor of the House of Representatives. Why all this haste? Why is it that this bill, which has been pending for over a year in all of its phases, must so suddenly, without preceding hearings nor adequate explanation, be thrust upon our attention?

Why should we be asked to forego the careful consideration of this highly controversial and vigorously protested legislation and to hurl it into conference before the week ends? It is not because we have not the time available. Next week's legislative calendar is clear.

Is it because those who are the friends of this scheme to reorganize the executive branch of the Government are afraid to accord to the people of the United States a chance to be heard; a chance to give expression of their views upon it? Are they afraid to give to the people of this country a sufficient time to exercise their constitutional right to petition the Congress lest the verdict of those we have the honor to represent should be revealed as condemnatory of the sweeping delegation of the legislative prerogative to the Chief Executive which this strangely extraordinary proposal, if translated into law, would accomplish?

Are we being given that which in the common vernacular is so often referred to as "the rush act"? Others less friendly to him than I have always tried to be might be constrained to say that the gentleman at the other end of the Avenue, in contemptuous disregard of that small dignity to which we as legislators still lay claim, was trying to apply to the Members of this body the well-known but little-relished "bum's rush." [Laughter.]

Personally, I cannot subscribe to this utterly indefensible method of enacting legislation. Unless generous time is allowed for a thoroughgoing debate of this all-important measure I shall have no other recourse than to vote against it. And I shall vote against it unless the slap-stick, mule-driving tactics of those who are sponsoring this legislative proposal are immediately abandoned in the interest of a full, fair, thoughtful, and complete discussion of all of the subjects with which this measure treats. [Applause.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. STACK].

Mr. STACK. Mr. Chairman, a distinguished friend of mine, a colleague from Texas, told me that there is a whispering campaign in the cloakrooms to the effect that the American Federation of Labor has withdrawn its opposition to this bill. I just talked to the American Federation of Labor. They are still against it. They did tell me, however, that Jimmy Roosevelt told the representatives of the railroad brotherhoods that they would not touch the Mediation Board or the Railroad Retirement Board. [Laughter.] In other words, a deal was made with them to get them to come out now in support of this bill; but Jimmy Roosevelt, nice boy that he is, cannot speak for other Presidents that I hope and pray will succeed his illustrious father. The world is looking to America to preserve democracy and let the people, who, after all, are the Government, rule.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. SHAFER].

Mr. SHAFER of Michigan. Mr. Chairman, I am opposed to this so-called Government reorganization bill. In the very brief time that has been granted me I desire to call the attention of the members of the Committee to the fact that business conditions in my State of Michigan are very bad. We are in a terrible depression and unless the present decline can be checked we will experience far more serious times than we had in 1929 and 1930.

The present conditions and the attitude shown by the President have caused thoughtful citizens, regardless of party affiliations, to become disturbed and apprehensive. Call the present flood of protesting telegrams and letters a result of a conspiracy if you will. You can say they have been "purchased," but I say it is fear caused by the way the President has conducted himself in office. A great many people think he wants to be dictator. You cannot blame them. He certainly is in a peculiar state of mind when he finds it necessary to wake newspaper reporters up at midnight to spread the word that he denies ambitions of dictatorship.

The greatest service President Roosevelt could perform for the American people today would be to instruct his leaders who are attempting to shove this bill down the throats of the Congress and the American people, to suspend efforts to pass the bill at this time. Such an act would do more to restore confidence in the President than anything else that could be done.

If the President insists upon whipping this bill through now he will do untold harm. There is no doubt but that some executive departments need reorganizing, particularly if some economy resulted. Such changes, however, should only come after long deliberation and debate and according to democratic methods.

I sincerely hope this bill will be recommitted in order that this Congress may better consider these fundamental and extraordinary changes at a more favorable time.

Mr. Chairman, I yield back the balance of my time.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield myself the balance of my time or so much thereof as I may use.

Mr. Chairman, I believe never in the history of any Congress have the people of our country been more interested in any measure, nor more opposed to any measure. One of the old post-office clerks stated that more mail has come through the post office than ever before in a short period.

Mr. Chairman, today the countries of the world are upset. New forms of government, some very unwelcome, have been adopted in many countries. The people of our country are living in fear today. I speak not as a Republican, not as a Democrat, not as a new dealer; I speak as a Member of Congress, the representative of 300,000 people, the second largest district in the State of Massachusetts.

Mr. Chairman, we in Congress are going to be judged by our vote. We are responsible to our constituents, to the citizens of the United States.

We are not responsible to the President of the United States. Personally I have a high regard for him. He was a classmate of my husband and a friend of long standing. But I owe a duty to the people of my district and to the people of America. [Applause.]

Mr. Chairman, I have not received one single letter endorsing this reorganization bill. The telegrams and the letters that have come to me and other Members of the House show the state of terror that exists in the minds of everyone today. We are in a state of panic, financially and mentally. I believe the passage of the pending bill would tremendously increase this panic.

I am the ranking minority member of the Civil Service Committee as well as the ranking minority member of the World War Veterans' Committee. I have always believed in the merit system and this is one of the principal reasons I am speaking at the present time. Both of these departments will be affected by this bill.

Mr. Chairman, you have always taken a great interest in the Federal employees, just as I have and as have many of our colleagues. We are all together in this fight to save the merit system and there should not be a party dividing line. Do you realize, and I know many of the Members do, that today the Federal employees live in fear, in a terror of losing their jobs? The Boston Lodge 413, American Federation of Government Employees, telegraphed me their opposition to the bill, to mention just one group. If this bill is passed and the country continues in this state of despair,

financial and otherwise, your constituents and my constituents will blame us for the condition. They will blame us for wrecking the country. They will not blame the President so much as us, their Representatives. If we give up our power, they will have every right to blame us, because they warned us ahead of time.

Mr. Chairman, when the President stated "the Senate could not be bought by telegrams," he implied that those Senators who voted against the reorganization bill could be bought. The Members have read in their correspondence from their constituents, just as I have in mine, the insinuation that the direct quotation of the President has still further frightened the people. They have always felt they had the right to petition and write their Members of Congress. By that statement they believe the President is trying to take away that right from them and no matter what the President said in his letter written to Congress about not wanting to become a dictator, they believe he will become a dictator if this bill is passed. He certainly will have that power.

Mr. Chairman, I earnestly trust and hope the pending bill will be defeated. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Ohio [Mr. KNIFFIN] is recognized for 1 hour.

Mr. KNIFFIN. Mr. Chairman, I have asked for this time, but shall not use all of it. I have determined that I shall yield at least 40 minutes to the opponents of this measure and 20 minutes to the proponents.

Mr. Chairman, I now yield 30 minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Chairman, I may hit that sun on the horizon yet about which I expressed superstition. I have been trying to get time for days. Naturally I tried to get it in my own right as chairman of the Rules Committee. I had something to do with the creation of this special committee, but it appears that the chairman of the Rules Committee will not be permitted to be recognized for 1 hour in his own right, so I have been begging and borrowing, principally from the minority, the Republican side, the opportunity to speak. So there you are. But I am still young and shall be around here for a long time to come.

After this 1 hour's final debate, undoubtedly a motion to close debate will be made. I believe that motion should be defeated. This House should recess from tonight until Monday, at which time it should again take up general debate on the pending bill. [Applause.]

Mr. Chairman, I detest reading my remarks, but this occasion is so important I hope you will indulge me. There is nothing I enjoy more than the cross-fire of debate, but I trust you will go along with me until I have finished at least part of the statement I desire to make.

Mr. Chairman, rising in opposition to this reorganization bill is not a pleasant duty to me. I trust my action will not be misinterpreted by my close associates in this House as any opposition to them or in opposition to our great Chief Executive. If, in opposing this bill, as I conscientiously do as a patriotic duty, I am in opposition to the wishes of the President, it is the first time I have failed to support his program. And in passing let me say that of all the Democrats in this House, I am the only Democrat, I believe, who so nearly approaches a 100 percent record in support of the President. Let me emphasize that fact in view of statements to the contrary during the past few years in the press and even in Democratic caucus. Let me emphasize that fact at the beginning, because some might thoughtlessly challenge that statement. I can see only one Democrat in this House besides myself who might have that record in support of the President. When I hear Democrats on the floor talking about "Our great leader, we must support him," I recall that only a short time ago they were fighting his program. When I say supporting a "100 percent" program since 1933, I include the votes on prohibition, the bonus, the economy bill, the wage and hour bill, and the vetoes, because it is not a long time ago I was one of only 13 heroic

Democrats who stood with the President on a veto. [Applause.]

Only the other day I stood on the floor of this House fighting for the right of the President to perform his own functions and appoint unimportant officials without the necessity of confirmation by another body.

Now, if there is anybody outside of one man on this side of the House who has a record of so nearly 100 percent support of the President, let him stand in his place, taking into consideration the items I have mentioned. I notice no one stands.

Today I am consistent in opposing any usurpation by the Executive of the functions of Congress, a fight I have been carrying on for years.

My position on this matter of taking up the reorganization bill at this time is well known. On Monday of this week, after the passage of the Senate bill, I made the following statement:

Now that the Senate has passed its reorganization bill, by a very narrow margin, it will be referred to the Special Committee on Reorganization of the House of Representatives. As reports from that committee have a privileged status, the bill will not come before the Rules Committee for action.

It is my considered personal opinion, however, that the House special committee might well let the bill peacefully slumber in some cobwebbed pigeonhole. This is no time to further inflame our people by such a legislative gesture.

It may well be that our governmental set-up needs overhauling. And it also may well be that such a job can best be done by the Executive, but in these days of vast unemployment, and business in hysterics, it is no time to push this legislation, which has so aroused the people, as a further intrusion of the executive branch on the prerogatives of the legislative body. [Applause.]

Right or wrong, the bill would lend nothing toward the problem of solving unemployment—it might tend in the opposite direction—and surely it has no relation whatsoever to reassuring a much abused business world. [Applause.]

Our people are in no frame of mind at the present moment for the reception of this procedural gesture. After the unemployment situation is solved and business is reassured, there will be plenty of time for this house cleaning. Get the fire out and then clean house.

Psychologically, the bill should be permitted to requiescat in pace.

Happily the Senate bill is "slumbering in that cobwebbed pigeonhole," but the House special reorganization committee seems not to have heard the voice of the people and now comes forward with House bills, which, while they are less offensive than the Senate bill, are equally objectionable to the country.

In my 15 years in Congress I have never heard such protests against any measure. From my district in New York and throughout the country, I have received thousands of letters and telegrams from our citizens mostly letters written in longhand. They are not chain letters. They are not the result of propaganda. I know propaganda when I see it. It goes into that great invention, the wastepaper basket. Surely no one here could say I ever was influenced by propaganda—or even abuse.

I have resisted propaganda. I took this position against this bill before a letter came in to me. Of the hundreds of letters from my district, I know scores of the writers personally. They are good Democrats, organization Democrats, active leaders, and active contributors to our party. Because of their state of mind, it is unimportant whether the facts have been misrepresented to them, as has been stated even by our great President.

The reason for this unparalleled protest is that there has grown up throughout the country in the minds of our people rightly or wrongly the belief that this reorganization bill not only usurps the power of their representative body in Congress, but places too much power in the Executive, tending toward a dictatorship.

I am not afraid of a dictatorship in this country. I believe our great President was sincere when he stated last midnight that he had no desire to be a dictator.

Knowing him as I do from our close personal and political relations, I know he would never entertain such an idea. The fact is, there just hasn't never going to be no dictator in this here country [applause], at least while some of us have a voice and two strong hands.

The fact is, nevertheless, that our people are inflamed almost to the point of revolution, and I use my words guardedly. They are inflamed at the thought of the possibilities of this bill. Some letters mention "bloodshed," others, resort to "arms." This is the situation which concerns me. Rightly or wrongly, this is no time to further incense our people, who have gone through 8 years of a depression and who since last fall have suffered a relapse, so that today business and unemployment are back to the low state we found them in when we took office in 1933, and in some respects they are lower than at any point in our entire history. Then you talk about reshuffling bureaus.

The matter of reorganizing our Government is of such minor importance at this moment, compared with the great problems of unemployment and business depression, that it could be well set aside at least until another Congress, which meets next January. We have had this problem for 150 years, yet the administration of this Government has been going on pretty well. We could well be patient and wait a little while longer. To start to clean house now while the house is falling down, without first stopping to rebuild it, does not impress me as very practical, neither does it appeal to our people. [Applause.]

Practical politicians often abandon a project because it does not sit well with the people at the precise moment.

Will someone tell me what a man on First Avenue in my district, or of a job and standing on a street corner, or a little-business man on Second Avenue who has not been able to make ends meet, cares whether the Bureau of Fisheries or the Bureau of Plant Diseases is in the Department of the Interior or the Department of Agriculture? [Applause.]

Instead of taking up this comparatively unimportant reorganization measure, we might well be considering means of solving the unemployment problem and bettering our business conditions. At this moment we could with great profit be considering legislation to authorize the Reconstruction Finance Corporation to be more liberal in its loans to small business. [Applause.] We could be pushing other bills through to completion in order to relieve the business of the country from overburdensome taxes and snooping governmental interference [applause], so that private business might be encouraged and be able and willing to solve the unemployment problem by giving private employment. This is the only solution of our unemployment situation.

Instead, we are attempting to rush through in a comparatively few hours this empty gesture of readjusting bureaus and agencies, and I say in a few hours, because another body took weeks to consider it. What is all this rush about? No one claims this bill would effect any economy or in any way help to balance a lopsided Budget. Undoubtedly it would promote efficiency, that choice word of the salesman, but who cares? Who cares in these times of unemployment and depressed business conditions about mere "efficiency"?

To me the underlying fallacy behind this proposal has been for months, outstanding in the Senate debates and still persists, that our present great Executive will always be President of the United States. When any question was raised in the other body as to whether the powers under this bill would be abused, the answer always was, "You do not think Franklin D. Roosevelt would ever abuse such powers, do you?" And that out of the mouths of Democrats, who yesterday were in a minority and not a majority.

Of course, I am hopeful we are going to have another President after Mr. Roosevelt, and I am hopeful we are going to have another Congress, but some short-sighted Democrats have not looked far enough ahead to that day when possibly the Chief Executive may not be of their own party.

Eleven years of my legislative life have been spent in a minority. I was much happier there. I could do what I wanted, and I could throw all the brickbats I wanted. I did not have to sit back and "take it." But I do not relish the thought of looking forward to the day when I may possibly be again in the minority and the Chief Executive may be

of another party, Farmer-Laborite, Communist, or what not. I am sure the next President is not going to be a Republican.

As a member of that minority party I may desire justice done in the office of what used to be the Comptroller General, responsible solely to Congress, or what used to be a bipartisan Civil Service Commission. Suppose I desire to contact the then czars of these two Departments, who are completely servile to the new Executive, in behalf of a businessman or a civil-service employee who used to be known as a Democrat when that party existed. Does anyone here believe those two czars, completely servile and subordinate to the Chief Executive, are going to pay any attention to a minority Member of this House? That is what I am looking forward to.

In my 15 years in Congress I have never seen any issue which was more important to this country than the one we have before us now, more important as an issue in the minds of the people but the least important of any measure we could possibly take up now for consideration.

I appreciate that the vote against consideration of the measure was not indicative of the sentiments of this House on the merits of the bill. I realize that a change of only 30 of those votes would defeat this measure, and I sincerely hope and believe that change will happen on Monday.

Now, if you eliminate, as many Members will attempt to do by amendments, the outstanding objectionable features of the bill, there is just no bill left. So, to my mind the short and practicable cut is to defeat the entire measure.

Surely the civil service part of the bill will not be acceptable either to those opposed to the system or those who believe in an honest, nonpolitical administration of the civil-service system.

It cannot be, it just cannot be, that this Congress intends to place in the hands of a secretary of public welfare the vast powers and the vast spending and the vast control in this bill, even including the education of our youth. [Applause.]

Surely Congress cannot mean that it would propose to relinquish control over the expenditure of the money which it appropriates. This would be the first step toward a dictator—control of the appropriations and the money of the country.

Why, sure, it is proper, we have an auditor general, but instead of having it so that our Comptroller General can have something to say before the money is spent, under the new proposal we shall only hear what happened after the money is spent, and not even that in every instance.

Who suggested all this change? Why? Did anybody elected to public office originate it? Not that I know.

Again, why should we deliberately provide that it shall require a two-thirds vote of both Houses of Congress to disagree with the President's shuffling of the agencies of the Government? Is it because the President boldly opposed the concurrent resolution method, as he did in his midnight statement? You heard me talk here the other day about concurrent resolutions and House joint resolutions, and I regret to this moment the action taken here the other day, and I submit to you now the question I had in mind on that day. Suppose by any chance the President should not sign the House joint resolution for an investigation of the T. V. A., an anomaly never heard of before. Then Congress might say, "We will pass a concurrent resolution anyway," and the first witness subpoenaed before that joint committee would contest the power of Congress to pass such a resolution of inquiry, after the President had failed to approve what Congress had gratuitously submitted to him.

On this concurrent resolution proposition, let me ask you from my heart, What has given rise to this inferiority complex that Congress itself cannot reorganize the Government? When did it fail in any attempt to reorganize the Government? I have seen it stated, even by the President and others, that six or seven times—I have forgotten the

number—Congress has failed to do the job. When? Not in my time. Why cannot 435 men, elected by the people, do the job as well as one man? Why should Congress assume such an inferiority complex?

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR of New York. I yield to the distinguished gentleman for a brief question.

Mr. BULWINKLE. I was very much interested in what the gentleman was saying about a reorganization, and I am wondering why the gentleman voted for the reorganization on August 13, which is in title I of this bill today?

Mr. O'CONNOR of New York. Oh, I expected that question, and I believe, of course, that a North Carolinian colleague of the gentleman stood up there prepared to ask me that question, but I did not yield to him. Well, I suppose I voted as I did in a lackadaisical manner in which I have often so voted, believing it was the thing to do, "going along," as the boys say. I have been an organization man all my life, but this here bill is just too much to swallow. [Laughter and applause.]

Mr. STACK. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR of New York. I gladly yield to the distinguished Democrat from Philadelphia for a brief question.

Mr. STACK. Along the line of the last question and answer, I have recollections of some Congressmen who divorced their wives, but they certainly thought a lot of them when they first married them. [Laughter.]

Mr. O'CONNOR of New York. That sounds to me like an exact parable.

Mr. FADDIS. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR of New York. I gladly yield to the distinguished gentleman from Pennsylvania for a brief question.

Mr. FADDIS. Along the line of the question of the gentleman from North Carolina [Mr. BULWINKLE] I ask the gentleman if the Congress approved this matter referred to, why is it in this bill today?

Mr. O'CONNOR of New York. I really do not know. I tried hard to find out yesterday.

Mr. Chairman, I have asked these questions because I have never been more earnest in my life. The position I am taking now is not a happy one. If it is contrary to some of my close associates, I regret it. My action is considerate and of long standing, long before any letters or telegrams came to me. No one has ever yet accused me of being a demagog—in fact, quite the opposite. What I do today is entirely of my own choice. I have no strange political bedfellows, as some of the newspapers state. [Applause and laughter.] I fully realize the step that I am taking with all the sincerity of my heart. This is the only way that I can go and that path I must follow, though I walk barefoot and alone. [Applause.]

Now let us analyze this House bill on reorganization.

H. R. 8202, the reorganization bill, added as a House committee amendment to the Senate bill, delegates to the President the exceedingly broad legislative power, after his own investigation and by his own determination, to regroup, consolidate, transfer, or abolish any executive agencies or agency or the functions of them, except the Interstate Commerce Commission, the Federal Trade Commission, the Securities and Exchange Commission, the Federal Communications Commission, the National Labor Relations Board, the National Bituminous Coal Commission, the United States Maritime Commission, and the United States Tariff Commission, all of which are quasi-legislative or quasi-judicial agencies; and for some unexplained reason the exemptions have been written to include the Coast Guard of the Treasury Department and the Engineer Corps of the Army.

Every other agency of the executive branch of the Government comes within the scope of whatever reorganization of agencies and functions may be undertaken under terms of the bill. The terms of the bill may be applied in a manner to expand, contract, abolish, or nullify the will of Congress

as expressed in the policies it has formulated and laid down in functions prescribed for the execution of the executive agencies.

Within the 2-year period in which this bill is to be operative the only way the Congress can recapture the powers delegated is by act of Congress and that is subject to Presidential veto which may reasonably be expected if the act of Congress has for its purpose the undoing of the purposes of an Executive order. In such an event passage of this bill will mean the abandonment of majority rule. When similar powers were conferred upon Mr. Hoover; and in 1933 upon Mr. Roosevelt, it was declared that an emergency existed and "it is imperative to reduce drastically Government expenses." Since there is no intention of reducing expenses under the present bill that language has been struck out. It is to be noted that title I of this bill imposes no limit on the number of changes that can be made to any or all agencies by Executive order.

It should be understood further that the provision that an Executive order issued under title I of this bill shall not be effective until 60 calendar days after transmission to Congress, means no more than a notification that an Executive order is about to become effective, because if Congress desires to stop an Executive order, an act of Congress will be necessary, and in all probability a two-thirds vote of both Houses will be subsequently required to pass such an act over Presidential veto.

It should be noted also that title I of this bill provides that—

The President's order directing any transfer, consolidation, or elimination under the provisions of this title shall also make provision for the transfer or other disposition of the records, property (including office equipment), and personnel affected by such transfer, consolidation, or elimination. In any case of a transfer or consolidation under the provisions of this title, the President's order shall also make provision for the transfer of such unexpended balances of appropriations available for use in connection with the function or agency transferred or consolidated as he deems necessary by reason of the transfer or consolidation for use in connection with the transferred or consolidated function or for the use of the agency to which the transfer is made or of the agency resulting from such consolidation.

Executive power to shuffle and reshuffle personnel, property, and appropriations under this language, along with the power to transfer and retransfer agencies and functions, if uncurbed, might conceivably become tantamount to governmental operation under lump-sum appropriations to be disbursed at the will of the Executive.

There is nothing in this title to prevent the Executive from increasing, by Executive order, the number of agencies of the Government.

Title III of this bill establishes a department of public welfare, with a Cabinet member as its head, to promote the public health, safety, and sanitation; the protection of the consumer; the cause of education; the relief of the unemployment and of the hardship and suffering caused thereby; the relief of the needy and distressed; the assistance and benefits of the aged and the relief and vocational rehabilitation of the physically disabled; and in general to coordinate and promote public health, education, and welfare activities.

It is reasonable to suppose that the new Cabinet member chosen to head this new department—which has possibilities of becoming the greatest and largest of them all—will be qualified in only one of the functions of the department. It may be reasonably supposed that he will be either a social worker, or a public-health expert, or an educator. Thus it would be natural to expect that the other functions, those with which he is not familiar, might become submerged under those of his first love.

It is obvious that these functions, established by this bill as permanent services of the Federal Government, embrace many of those which are now declared by law to be temporary, enacted to meet an emergency. Practically all could be transferred to this department, and thus, in effect, this title makes Federal relief a permanent function, despite the fact that Congress has not up to now determined what its permanent policy with regard to relief is to be.

It is obvious that the functions set out for this department might embrace at least some of those now administered by the Agriculture Department, the Labor Department, the Interior Department, the Treasury Department, the Works Progress Administration, the Veterans' Administration, the Social Security Board, and many others. At some future date, should this department be headed by a man interested primarily in education, he would undoubtedly bring pressure to bear upon the Congress for appropriations for public education or upon the President for the transfer of other departmental funds for that purpose.

This new department will increase the cost of Government.

The issue involved in H. R. 8276 is whether Congress shall relinquish control over expenditures of the Federal Government, before they are made to the executive, or spending, branch of the Government.

In effect this bill reconstitutes the General Accounting Office as an office of an independent executive comptroller; establishes an auditor general who, as an agent of Congress, is to audit public accounts, after the money is spent with no authority but then to report to Congress; and provides that the forms, methods, and procedure of bookkeeping and accounting shall be prescribed and supervised by the Secretary of the Treasury.

Thus, it is seen this bill splits responsibility for fiscal affairs of the Government into three parts.

Among the other functions of the new independent executive comptroller general would be to determine the availability of appropriations made by Congress, but his decision would not be binding upon the disbursing officers of the spending agencies. Any appeal from his decision must be taken to the Attorney General, another executive officer, who himself presides over an executive department which itself is quite a spending agency.

Aside from the fundamental principle involved—whether the legislative branch of the Government which raises all funds and appropriates all money should control expenditures, or whether the executive or spending branch of the Government should exercise that control—the details of this bill make it all impracticable, cumbersome, and possibly unworkable.

For instance, the language of subsection (b) under section 403 of title IV should be considered:

The Auditor General shall promptly make an audit of all expenditures of the Government after payment and prior to settlement and adjustment by the General Accounting Office of the accountable officers' accounts containing such expenditures, which audit shall be conducted as nearly as practicable in the vicinity of disbursing offices of the United States located in the District of Columbia and elsewhere. The Auditor General shall promptly transmit to the accountable officer and the head of the executive department or independent establishment concerned and the Comptroller General the findings made by him in such an audit.

That means that everywhere the Government has a disbursing officer—and there are hundreds of them scattered all over the United States—the auditor general must have a man sitting across the desk from him to follow up his every spending act. And then whatever is found is to be discovered only after the money is paid out and gone.

Before passing upon this bill the Congress should note particularly subsection (b) under section 404 of title IV, which says:

The Auditor General shall examine all copies of the certificates of settlement furnished him by the Comptroller General under subsection (a) of this section, and the Auditor General shall promptly notify the Comptroller General of, and report to Congress, all accounts and claims deemed by the Auditor General to have been improperly settled and adjusted by the General Accounting Office: *Provided*, That no report shall be made to Congress with respect to any such disagreement between the Auditor General and the General Accounting Office until 30 days after the Comptroller General has been notified of such disagreement: *Provided further*, That no report of any such disagreement shall be made to Congress if the General Accounting Office revises its settlement and adjustment to accord with the views of the Auditor General: *Provided further*, That no report of any such disagreement need be made if the Auditor General deems that the question involved therein has previously been reported by him to Congress.

It has been heralded abroad that H. R. 8277 has for its purpose the extension of the civil service and merit system upward, downward, and outward.

This bill abolishes the Civil Service Commission of three members with mandatory minority representation. In the place of this Commission there would be substituted a one-man administrator. It is not reasonable to expect one administrator can represent more than one political party, more than one sex, more than one labor viewpoint, or more than one administrative outlook. This administrator would be appointed by the titular head of a political party.

This bill provides for a civil-service commission, but it is a mere gesture. It has no authority, for it can only recommend what it finds in as few as four meetings a year. On this phase the House bill and the Senate bill are about the same.

It is entirely possible that whatever good points this bill may have may be nullified and canceled completely by section 301 of title III which provides that the President after his own examination and on his own initiative may by Executive order—

Except from or cover into the classified civil service any office or position within an agency of the Government, except an office or position, appointment to which is authorized to be made by the President, by and with the advice and consent of the Senate.

The Senate struck out the words "except from or."

It is submitted that authority granted under that language may or may not be used toward the extension of the civil service and merit system upward, downward, and outward.

The foregoing are some of the high points of the bill. There are others of equal importance—all are of such fundamental importance, going to the very form of our Government, that the bill should be defeated.

Mr. KNIFFIN. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. MEAD].

Mr. MEAD. Mr. Chairman, there will be nothing dramatic in this oration. I merely wish to carry out certain promises I made yesterday. But, after listening to the last speaker from my State, particularly after he mentioned that the man on First Avenue out of a job does not give a rap about this bill; that the little fellow on Second Avenue does not even know that the bill is here and does not care anything about it; and that we should set aside this unimportant bill and take up something important, I cannot see why we should get so excited about it. This really is much ado about nothing.

I cannot link those preliminary statements with the conclusion that we are going to set up a powerful dictator who may rise up and bring about a revolution. How do they sound in the same speech? I thought I would like to repeat them myself to see if they really do make sense, and they do not. [Applause.] I particularly appreciate applause coming from the Democratic side, and I hope some day to make an oration that will win acclaim even from my good friends on the Republican side.

Yesterday I said that as the merits of this legislation became more widely known and the recipients began to understand its benefits they would show their reaction by bringing to the House the enlightenment and encouragement of their opinion.

A day or so ago it was stated that the railroad brotherhoods were opposed to this bill, and that the 21 standard unions on the railroads were fighting the bill. Read Labor and you will find that yesterday the 21 grand chiefs held a meeting, and today this statement is given wide publicity:

Rail unions are not against the reorganization bill.

I have here a two-page letter from the National Federation of Federal Employees, which explains in detail all the benefits of this legislation.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. MEAD. I would like to complete my statement first. This letter from the national president in behalf of the

National Federation of Federal Employees states that they are satisfied and contented, and that they have studied the civil-service features and are for the bill.

Here is a telegram from the national president of postal supervisors who states unqualifiedly that he and his organization, after a study of the bill, are for it. The telegram is dated only yesterday.

I have here a letter from those we want to help, from 32,000 members of the nonclassified Federal employees, who will be benefited by the bill, covered into the merit system, and given the benefits of the Classification Act and the retirement system. They plead with us through the aid of their organization that we vote for the bill.

Mr. HOFFMAN. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HOFFMAN. Under section 357 of Jefferson's Manual and under subdivision 6 of rule XIV, being section 766 of House Rules and Manual, the gentleman from New York is out of order, having spoken yesterday, when time was yielded to him, in speaking again today, on the same bill when time was yielded to him.

Mr. MEAD. Mr. Chairman, I do not care to be heard on the point of order. I am satisfied to take the opinion of the Chair.

The CHAIRMAN. The Chair overrules the point of order.

Mr. MEAD. I have a letter from Jacob Baker, of the United Federal Workers of America, recommending the legislation. Here also is a telegram dated March 31 from John J. Barrett, president of the Post Office Clerks, approving the legislation. I mentioned yesterday that an organization of the American Federation of Government Employees has recommended the legislation; I have another telegram today.

I merely rose to explain that, insofar as the civil-service feature of the bill is concerned, we are extending and expanding the civil service upward and outward. As we do that we cover these employees under the Classification Act, and as they come under the Classification Act they are given the benefit of the retirement act. We are making more progress in this bill than the most enthusiastic friends of civil service anticipated in 10 years. Everyone who believes in the civil service, who is anxious to build up the merit system, who would like to see these employees given the benefits of the retirement act, should join with us in the passage of this bill.

I ask you, my friends, in all fairness not to consider statements which are irrelevant, which do not pertain to the legislation, which are attempts to scare, and which are aimed particularly at various elements not even included in the bill.

I voted against legislation of this nature in the closing days of the Hoover administration because, while it gave that President more power to consolidate and merge bureaus than we give this President, it had in it severe cuts for the veterans and severe cuts for the Federal employees. Members who are on the floor of the House today pleading with you to kill this bill were on the floor of the House in those days asking you to vote for that bill. [Applause.] My devotion to the Federal employees and to the veterans of this country made it necessary for me to fight that bill, but by the same token makes it necessary for me to ask you to vote for this bill.

I respect and appreciate the messages which have come from the people relative to this legislation, and especially from those to be affected by its enactment. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. KNIFFIN. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. RAMSPECK].

Mr. RAMSPECK. Mr. Chairman, it is with regret that I find myself in disagreement with my friend, the gentleman from New York [Mr. MEAD] in regard to the civil-service provisions of the pending bill. He is one of the finest friends I have in the House and his interest in the Federal employees and in working people generally is not surpassed by anyone here.

Our difference is one of opinion and I accord to him a belief in his sincerity and every right to his contrary view.

My opposition extends only to that part of the bill on civil service which proposes to abolish the bipartisan three member Commission and to substitute therefore a single administrator.

The present Commission performs certain duties delegated to it by the Congress which I think should not be lodged in one person. It formulates the rules which the President promulgates. It hears appeals from applicants when they feel that the examiners have not given them correct ratings. It directs the policies of the various divisions within the staff of the Commission.

Under the Classification Act the Commission hears appeals from decisions of the classification division. These appeals come from administrative officers and from employees and involve matters of salary. In the same manner salaries for newly created positions are fixed.

The rights and privileges of employees under the Retirement Act are adjudicated by the Commission.

There is no appeal from the decision of the Commission in these vital matters. The Commission is the court of final resort. Thus the rights of the Government and of the employees under the Civil Service Act, the Classification Act, and under the retirement legislation rest in the hands of this bipartisan Commission of three.

Would you advocate that our Supreme Court be composed of a single judge? Would you abolish our circuit courts of appeals and substitute one judge? That is what the pending bill proposes when it substitutes a single administrator for the Commission insofar as the jurisdiction of the present Commission is concerned.

The present Commission sits en banc for the consideration of the matters to which I have referred. These matters are of great interest and concern to the thousands of applicants and employees.

I believe that questions of broad policy should go to a board and not to a single person. This proposal would let a single person control the actions of many administrative officers in regard to appointments and salaries. One person is much more apt to become arbitrary and high-handed than is a Commission.

The proper functioning of a merit system depends upon a sustained favorable public opinion. There must be public confidence in its integrity. A single administrator would create at least suspicion of partisanship which would result in loss of confidence.

The single administrator would necessarily belong to some political party or to none. He would be suspected of being partial to the party which appointed him and the minority would have no confidence in his decisions.

He would be from one section of the country, and it would be difficult for him to escape the charge of favoritism. He might not have sufficient understanding of the other sections of this great country.

The single administrator would be a man or a woman. At this time both men and women are represented on the Commission. With the increasing activity of women in politics and government it seems important to consider this fact.

This administrator must be of one religious faith, or of none. No doubt this would arouse questions which are not so apt to arise under the Commission.

A single administrator might become antagonistic toward some organization such as a labor union, a veterans' organization, or one interested in civil-service matters. If the representative of such an organization became unwelcome in his office its interests would suffer. With a commission the representative could contact another member.

In the past some Civil Service Commissioners have had hobbies in regard to the type of examinations to be given or the requirements to be imposed. This has been curbed by the judgment of the two other members, but with one person in charge, if he was given to hobbies, there would be no check.

There are those in our country who believe that no one should be permitted to take a civil-service examination unless such applicant holds a college degree. If we should get a single administrator with such ideas it would, I am afraid, result in arousing great opposition to civil service. I am personally opposed to any plan to deny applicants without college degrees the right to compete for Government jobs. Of course special training is necessary in professional and technical positions, but experience should be permitted to be counted in lieu of a college degree wherever practical.

The gentleman from New York [Mr. MEAD] referred to the States that have adopted the one-administrator plan. They have a problem so small in comparison with the Federal Government that I hardly think it gives us any indication of what the result might be. Maryland, for example, with only a few thousand employees, has this one-person system. It worked satisfactorily during the long service of the late Governor Ritchie, but since the Republicans came into power I understand it has not been so satisfactory and that the previous administrator has been removed.

A single administrator in Australia, I am told, wrecked the civil service of that country. He was replaced with a board of three.

The one administrator would be subject to great political pressure. He could not fall back upon the support of anyone. Under the Commission, each member has the support of two others and the majority members know that if they give way to party pressure the minority member will let the world know.

The pending plan lays great stress upon the advisory board of seven which it creates. In my opinion the meetings of this board would be little more than a social gathering to hear a report from the administrator.

Unless the advisory board is given an independent force both in Washington and in the field, with an adequate staff of competent investigators, its part-time members cannot get much information regarding the 800,000 Federal employees who are scattered through 48 States and in foreign places. Even with a large force such as I have suggested, I think the value of this board would be very small. It would be difficult for its members to have a real understanding of the personnel problem of our Nation, the largest such problem in the world.

It seems to me, after months of earnest consideration of this matter, that to place the welfare of 800,000 employees under 1 man; to place the taxpayers interest in a pay roll of more than a billion dollars at the mercy of 1 person, is asking too much. I find myself unable to follow this suggestion. Therefore, at the proper time I shall offer an amendment to strike out the provisions abolishing the Commission and creating the administrator. If you agree with me I shall appreciate your support.

Mr. ALLEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. ALLEN of Pennsylvania. Will the gentleman inform the House if he, as chairman of the Civil Service Committee of the House of Representatives, was consulted when the civil-service provisions were written into this bill?

Mr. RAMSPECK. No; I have never been consulted about it either before the plan was sent to Congress or until the Reorganization Committee had practically finished its bill. At that time, as I recall it, the gentleman from Missouri suggested that I confer with the gentleman from New York [Mr. MEAD]; but the Reorganization Committee appointed by the President never conferred with me nor, so far as I know, with any member of the Civil Service Committee of the House or of the Senate, or with the Civil Service Commission.

Mr. ALLEN of Pennsylvania. Mr. Chairman, will the gentleman yield further?

Mr. RAMSPECK. I yield.

Mr. ALLEN of Pennsylvania. So far as the gentleman knows, was any individual conversant with civil-service laws and regulations the author of these provisions?

Mr. RAMSPECK. No; I think not. As a matter of fact, I think the author was a very fine young gentleman whose experience was limited to about 2 years in one of the non-civil-service agencies of the administration.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. RANDOLPH. The present Chairman of the Civil Service Commission, a Democrat, is against this, is he not?

Mr. RAMSPECK. Yes.

Mr. RANDOLPH. Do we not have sufficient power in the Civil Service Commission now to accomplish these results if we would spend more money? Is it not a fact that we do not need any innovation?

Mr. RAMSPECK. I think the present Commission could have done everything that it is proposed that the administrator should do if Congress had given them the power to do it and the money to carry it out. [Applause.]

[Here the gavel fell.]

Mr. KNIFFIN. Mr. Chairman, I yield the remainder of my time to the distinguished majority leader, the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Chairman, I never take the floor in debate unless I feel very strongly and very earnestly on the matters under consideration. I presume that if there is a man who ever sat in this Chamber as a Member who knows something about standing up against the impact of propaganda, that man is I. I remember in the spring of 1935, after disclosures in certain fields of utility operation that literally shocked this Nation, a measure was proposed to bring about some form and character of decency and efficiency in that great industry. I remember one Member from the State of New York came into my office one morning and said: "Let us vote on this bill and get it out of the way, or I am going to have to move out of my office. I received 15,000 telegrams this morning. From one town in Pennsylvania telegrams came in by the bushel.

Twelve thousand came from one city in that State. This shook the nerves of the Representatives from the State of Pennsylvania. But during an investigation following the passage of that bill it was found that one representative of a utility company had gone to that city, taken the telephone book and signed the name of every subscriber in that telephone book to a telegram to Members of Congress protesting against the passage of that bill.

To show you the character of propaganda that comes here, and it would be well sometimes to look into the authenticity feature, the gentleman from Pennsylvania, Mr. DALY, received the following telegram:

Reorganization bill causing trouble in twenty-eighth ward. Vote "no."

E. HAGERTY.

Now, E. Hagerty is an important man up there because he is a member of the legislature and the leader of ward 28. The gentleman from Pennsylvania [Mr. DALY] was a little suspicious about that matter; so he sent Mr. Hagerty the following telegram:

Received telegram apparently signed by you respecting my vote on reorganization bill. Did you sign it?

Mr. Hagerty sent Mr. Daly the following telegram:

Answering your telegram, I have sent no telegram, either for or against the reorganization bill.

I have not received letters or telegrams from the district I represent. Do you know why telegrams are not coming from that district? It is because those great, plain, country farmers down in the Fourth Congressional District of Texas have faith and confidence in the man who occupies the White House at the other end of the Avenue. [Applause.]

They are not afraid for me to give him the same power that I and the Republicans, as well as a vast majority of the Democrats, gave President Hoover.

Why this sudden change? Why this propaganda? Why did it not come in here last August when the meat of the present bill was pending before the House for consideration? One gentleman said here that he feared some tyrant would occupy the White House one of these days and exercise the provisions of this bill in such fashion that it may be dictatorial and oppressive to the people. Allow me to call your attention to the fact that the reorganization provisions of this bill will expire before Mr. Roosevelt, the present Democratic President, goes out of the White House. So we need have no fear as to what a dictatorial individual may do in years to come under the pending bill, unless it is revised.

The question has been asked, Why does not the Congress reorganize the Government instead of turning this over to the Executive? Why does not the Congress perform all the functions of the Interstate Commerce Commission? Because the Interstate Commerce Commission has not a function and does not perform a function that the Congress does not have the power to delegate to that body. Take each and every arm of Congress represented by a board or commission in this Government, if Congress had the time, the expert information, and the knowledge to do it, the Congress could perform the function of every board and every commission of this Government because it has the power or it could not have delegated that power to these commissions and boards.

Can you imagine 435 intelligent men and women sitting here trying to fix millions of rates on some 250,000 miles of railroads in this country? What would we do with hours of service? Why, we cannot even pass a wage and hour bill, much less administer one.

Mr. Chairman, usually I appeal to those on the Republican side, but that would be a futile thing today. They have seized upon this thing as a great political issue and they are going to stand solidly against giving the present President of the United States this power and authority.

We accept that as the issue or one of the many issues that will come up for consideration in the congressional campaign of 1938. It is a political issue made so by a handful of Republicans that the people left in the House of Representatives after the election of 1936. If they keep on acting as they have been in the past, and I am sorry to say with the help of some of our good Democratic brethren, when they hold their caucus in January 1939 it will not require a room bigger than a telephone booth to hold it in. [Applause.]

There has been some talk about various measures involving reorganization. Something has been said about our quitting this thing and giving consideration to something that will better serve the country. Something was said to the effect that the common man had no interest in this legislation, and then telegrams and letters have been quoted from these same common people, stating it might bring about revolution or it might bring about bloodshed. It is most remarkable to me that these plain, common people, and, as Lincoln said, "God must have loved them because he made so many of them," if they care nothing about this character of legislation, then why will the mob begin to march if we happen to give this authority to the present President of the United States? [Applause.]

Mr. Chairman, I appeal to my Democratic colleagues only. There is no use appealing to those over on my left. Let us not by our votes on this bill allow the country to interpret that we have cast a vote of lack of confidence in the great leader of our party. [Applause.]

Something has been said here that even though they walk on fire they walk alone. May I say that as long as that great humanitarian, as long as that great statesman, as long as that man who in season and out is trying to bring

relief to the struggling American citizen is our leader I am going to walk with him if I must walk alone. [Applause.]

Mr. COCHRAN. Mr. Chairman, I move that the Committee do now rise.

Mr. SNELL. Mr. Chairman, I ask recognition.

The CHAIRMAN (Mr. McCORMACK). The question is on the motion of the gentleman from Missouri that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. McCORMACK, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (S. 3331) to provide for reorganizing agencies of the Government, extending the classified civil service, establishing a general auditing office and a department of welfare, and for other purposes, had come to no resolution thereon.

Mr. COCHRAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3331; pending that, I move that general debate in the Committee of the Whole House on the state of the Union on the bill (S. 3331) do now close, and on that motion I move the previous question.

Mr. O'CONNOR of New York. Mr. Speaker, I ask recognition.

Mr. COCHRAN. Mr. Speaker, on that motion I have moved the previous question.

Mr. O'CONNOR of New York. Mr. Speaker, I asked recognition before the previous question was moved.

The SPEAKER. The gentleman from Missouri moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3331; pending that, the gentleman moves that general debate in the Committee of the Whole House on the state of the Union on the bill S. 3331 do now close, and on that motion he moves the previous question.

Mr. O'CONNOR of New York. Mr. Speaker, before the gentleman moved the previous question I asked recognition.

The SPEAKER. The gentleman from Missouri moved the previous question.

Mr. O'CONNOR of New York. I asked recognition, Mr. Speaker, before the gentleman moved the previous question.

The SPEAKER. The motion for the previous question takes precedence over any other motion.

Mr. O'CONNOR of New York. Mr. Speaker, I ask recognition under the 40-minute rule. It is well recognized in the House that there are 40 minutes of debate on a motion even under the previous question.

The SPEAKER. The Chair will read from a precedent directly involved on this proposition, Cannon's Precedents, section 2555, volume 8:

When the previous question is ordered on the motion to close debate, the rule providing for 40-minute debate on propositions on which the previous question has been ordered without prior debate does not apply, and no debate is in order.

Mr. O'CONNOR of New York. Mr. Speaker, the previous question has not been ordered. May I suggest to the distinguished Speaker that he read the rule of the House as to the 40 minutes of debate before the previous question is ordered?

The SPEAKER. Under the general rules of the House the previous question is always a privileged motion. The gentleman from Missouri has exercised his right to move the previous question.

The question is on ordering the previous question on the motion of the gentleman from Missouri [Mr. COCHRAN] to close debate.

The question was taken; and on a division (demanded by Mr. SNELL) there were—ayes 137, noes 105.

Mr. SNELL. Mr. Speaker, I demand the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 149, nays 191, not voting 89, as follows:

[Roll No. 51]

YEAS—149

Aleshire	Farley	Kirwan	Poage
Allen, Del.	Fernandez	Kitchens	Quinn
Amile	Fitzgerald	Kniffin	Ramsay
Arnold	Fitzpatrick	Kopplemann	Rayburn
Barden	Flannery	Lea	Richards
Barry	Forand	Leavy	Rigney
Binderup	Ford, Calif.	Lesinski	Robinson, Utah
Boland, Pa.	Ford, Miss.	McCormack	Romjue
Boren	Fuller	McFarlane	Sacks
Boyer	Fulmer	McGehee	Schulte
Bradley	Garrett	McGranery	Scott
Brown	Gavagan	McGrath	Sheppard
Bulwinkle	Goldsborough	McReynolds	Sirovich
Byrne	Greenwood	Magnuson	Smith, W. Va.
Cannon, Mo.	Gregory	Mahon, S. C.	Snyder, Pa.
Celler	Griffith	Mahon, Tex.	Somers, N. Y.
Chandler	Hamilton	Maloney	South
Citron	Harlan	Mansfield	Swope
Clark, N. C.	Harrington	Martin, Colo.	Tarver
Cochran	Hart	Massingale	Taylor, S. C.
Coffee, Wash.	Havener	Maverick	Thom
Colmer	Hendricks	Mead	Thomas, Tex.
Cooley	Hennings	Mills	Thomason, Tex.
Cooper	Hildebrandt	Mitchell, Ill.	Tolan
Creal	Hill	Mouton	Turner
Cullen	Hobbs	Murdock, Utah	Vincent, B. M.
Curley	Honeyman	Nelson	Vinson, Fred M.
Daly	Houston	Norton	Voorhis
Delaney	Izac	O'Connell, Mont.	Wallgren
DeMuth	Jacobsen	O'Connell, R. I.	Walter
DeRouen	Johnson, Luther A.	O'Day	Warren
Dies	Johnson, Lyndon	O'Toole	Wearin
Dingell	Johnson, Okla.	Pace	Whittington
Dockweller	Jones	Patman	Williams
Dorsey	Kee	Patterson	Woodrum
Doxey	Kelly, N. Y.	Pearson	
Dunn	Keogh	Peterson, Fla.	
Elcher	Kerr	Pierce	

NAYS—191

Allen, Ill.	Drew, Pa.	Lamneck	Robertson
Allen, Pa.	Driver	Lanham	Robson, Ky.
Anderson, Mo.	Eaton	Lemke	Rockefeller
Andresen, Minn.	Eberharter	Lewis, Colo.	Rogers, Mass.
Andrews	Eckert	Lord	Rogers, Okla.
Arends	Edmiston	Luce	Rutherford
Ashbrook	Elliott	Luckey, Nebr.	Ryan
Atkinson	Engel	Ludlow	Sadowski
Bacon	Englebright	Luecke, Mich.	Satterfield
Barton	Evans	McClellan	Sauthoff
Bates	Faddis	McGroarty	Schaefer, Ill.
Beiter	Ferguson	McLaughlin	Schneider, Wis.
Bell	Fieger	McLean	Seger
Bernard	Fletcher	McMillan	Shafer, Mich.
Bigelow	Frey, Pa.	Maas	Shanley
Bloom	Gamble, N. Y.	Mapes	Short
Boileau	Gambrell, Md.	Martin, Mass.	Simpson
Brewster	Gearhart	Mason	Smith, Conn.
Brooks	Gehrman	May	Smith, Maine
Buckler, Minn.	Gifford	Meeks	Smith, Va.
Burch	Gingery	Michener	Snell
Burdick	Gray, Ind.	Moser, Pa.	Spence
Cannon, Wis.	Gray, Pa.	Mosier, Ohio	Stack
Carlson	Greever	Mott	Starnes
Carter	Griswold	Murdock, Ariz.	Stefan
Case, S. Dak.	Guyer	Nichols	Summers, Tex.
Chapman	Gwynne	O'Brien, Mich.	Sutphin
Church	Halleck	O'Connor, N. Y.	Sweeney
Clark, Idaho	Hancock, N. Y.	O'Malley	Taber
Clason	Hartley	Palmisano	Terry
Claypool	Healey	Parsons	Thomas, N. J.
Coffee, Nebr.	Hoffman	Patton	Thurston
Cole, N. Y.	Holmes	Peterson, Ga.	Tinkham
Connery	Hope	Pettengill	Tobey
Costello	Hull	Pfeifer	Towey
Cox	Hunter	Phillips	Transue
Cravens	Imhoff	Plumley	Treadway
Crawford	Jarrett	Polk	Umstead
Crosser	Jenkins, Ohio	Powers	Wadsworth
Crowther	Johnson, Minn.	Rabaut	Wene
Culkin	Johnson, W. Va.	Ramspeck	West
Dempsey	Kennedy, Md.	Randolph	White, Ohio
Dirksen	Kinzer	Reece, Tenn.	Wigglesworth
Disney	Kleberg	Reed, Ill.	Wolcott
Ditter	Knutson	Reed, N. Y.	Wolfenden
Dixon	Kvale	Rees, Kans.	Wolverton
Dondero	Lambertson	Reilly	Woodruff
Dowell	Lambeth	Rich	

NOT VOTING—89

Allen, La.	Caldwell	Crowe	Flaherty
Beam	Cartwright	Cummings	Flannagan
Biermann	Casey, Mass.	Deen	Fries, Ill.
Bland	Champion	Dickstein	Gasque
Boehne	Cluett	Doughton	Gilchrist
Boykin	Colden	Douglas	Gildea
Boylan, N. Y.	Cole, Md.	Drewry, Va.	Green
Buck	Collins	Duncan	Haines
Buckley, N. Y.	Crosby	Fish	Hancock, N. C.

Harter	Lucas	Rankin	Tiegan
Hook	McAndrews	Sabath	Thompson, Ill.
Jarman	McKeough	Sanders	Vinson, Ga.
Jencks, Ind.	McSweeney	Schuetz	Weaver
Jenks, N. H.	Merritt	Scrugham	Welch
Keller	Mitchell, Tenn.	Secrest	Whelchel
Kelly, Ill.	O'Brien, Ill.	Shannon	White, Idaho
Kennedy, N. Y.	O'Connor, Mont.	Smith, Okla.	Wilcox
Kocialkowski	O'Leary	Smith, Wash.	Withrow
Kramer	O'Neal, Ky.	Sparkman	Wood
Lanzetta	O'Neill, N. J.	Steagall	Zimmerman
Larrabee	Oliver	Sullivan	
Lewis, Md.	Owen	Taylor, Colo.	
Long	Patrick	Taylor, Tenn.	

So the previous question was not ordered.

Mr. MANSFIELD changed his vote from "no" to "aye."

The Clerk announced the following pairs:

On the vote:

Mr. Flannagan (for) with Mr. Gilchrist (against).
 Mr. Gasque (for) with Mr. Douglas (against).
 Mr. Vinson of Georgia (for) with Mr. Fish (against).
 Mr. Long (for) with Mr. Taylor of Tennessee (against).
 Mr. Dickstein (for) with Mr. Oliver (against).
 Mr. O'Leary (for) with Mr. Champion (against).
 Mr. White of Idaho (for) with Mr. Kelly of Illinois (against).
 Mr. Biermann (for) with Mr. Kennedy of New York (against).
 Mr. Duncan (for) with Mr. Lanzetta (against).
 Mr. Crowe (for) with Mr. Cluett (against).
 Mr. Boylan of New York (for) with Mr. Jenks of New Hampshire (against).
 Mr. Weaver (for) with Mr. Withrow (against).
 Mr. Hook (for) with Mr. Tiegan (against).

General pairs:

Mr. Rankin with Mr. Welch.
 Mr. Boehne with Mr. Deen.
 Mr. Schuetz with Mr. Sparkman.
 Mr. Bland with Mr. Keller.
 Mr. Hancock of North Carolina with Mr. Larrabee.
 Mr. Colden with Mr. Buck.
 Mr. Steagall with Mr. Wood.
 Mr. Drewry of Virginia with Mr. Kramer.
 Mr. Doughton with Mr. Allen of Louisiana.
 Mr. Sabath with Mr. Shannon.
 Mr. Harter with Mr. Green.
 Mr. Zimmerman with Mr. Casey of Massachusetts.
 Mr. Mitchell of Tennessee with Mr. O'Neal of Kentucky.
 Mr. Boykin with Mr. McKeough.
 Mr. Cartwright with Mr. Buckley.
 Mr. Crosby with Mr. Fries of Illinois.
 Mr. McAndrews with Mr. Caldwell.
 Mr. Sullivan with Mr. Cummings.
 Mr. Patrick with Mrs. Jencks of Indiana.
 Mr. Bean with Mr. Lewis of Maryland.
 Mr. Wilcox with Mr. Gildea.
 Mr. O'Neill of New Jersey with Mr. Kocialkowski.
 Mr. Jarman with Mr. McSweeney.
 Mr. Smith of Oklahoma with Mr. Whelchel.
 Mr. Cole of Maryland with Mr. O'Connell of Montana.
 Mr. Hancock of North Carolina with Mr. Flaherty.
 Mr. Collins with Mr. Haines.
 Mr. Merritt with Mr. Taylor of Colorado.
 Mr. Thompson of Illinois with Mr. Owen.
 Mr. Scrugham with Mr. O'Brien of Illinois.
 Mr. Sanders with Mr. Smith of Washington.
 Mr. Secrest with Mr. Lucas.

The result of the vote was announced as above recorded.

Mr. COCHRAN. Mr. Speaker, I withdraw my motion.

The SPEAKER. The gentleman from Missouri withdraws his motion.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

To Mr. JARMAN (at the request of Mr. HOBBS) on account of death of relative.

To Mr. CROWE, for 3 days, on account of official and legislative business.

To Mr. TURNER, for 5 days, on account of important business.

SENATE RESOLUTIONS REFERRED

A joint resolution and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. J. Res. 205. Joint resolution providing for adjustment payments and loans to cotton producers with respect to cotton produced in 1937; to the Committee on Agriculture.

S. Con. Res. 28. Concurrent resolution authorizing the Special Committee to Investigate Unemployment and relief, United States Senate, to have printed for its use additional copies of the hearings on the resolution (S. Res. 36) creating

a Special Committee to Investigate Unemployment and Relief; to the Committee on Printing.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 1355. An act for the relief of Lawrence E. Thomas;

H. R. 3657. An act for the relief of Albert Pina Afonso, a minor;

H. R. 3776. An act for the relief of T. T. East and the Cassidy Southwestern Commission Co., citizens of the State of Texas;

H. R. 4221. An act for the relief of John M. Fuller;

H. R. 4229. An act for the relief of Clifford Belcher;

H. R. 6061. An act for the relief of Mary Dougherty;

H. R. 6232. An act for the relief of Frank Christy and other disbursing agents in the Indian Service of the United States;

H. R. 6467. An act for the relief of the Portland Electric Power Co.;

H. R. 7676. An act for the relief of the Complete Machinery & Equipment Co., Inc., and others;

H. R. 8432. An act to provide for a flowage easement on certain ceded Chippewa Indian lands bordering Lake of the Woods, Warroad River, and Rainy River, Minn., and for other purposes;

H. R. 8885. An act for the benefit of the Goshute and other Indians, and for other purposes;

H. J. Res. 499. Joint resolution authorizing the erection of a memorial to the late Guglielmo Marconi; and

H. J. Res. 594. Joint resolution directing the Federal Trade Commission to investigate the policies employed by manufacturers in distributing motor vehicles, accessories, and parts, and the policies of dealers in selling motor vehicles at retail, as these policies affect the public interest.

ADJOURNMENT

Mr. COCHRAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 27 minutes p. m.) the House adjourned until tomorrow, Saturday, April 2, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON NAVAL AFFAIRS

There will be a meeting of the full open committee, Naval Affairs, at 10:30 a. m. Monday, April 4, 1938; continuation of consideration of H. R. 9315, to regulate the distribution, promotion, and retirement of officers of the line of the Navy, and for other purposes.

COMMITTEE ON FLOOD CONTROL

The Committee on Flood Control will continue hearings on Saturday, April 2, 1938, at 10 a. m., on the comprehensive flood-control bill.

The Committee on Flood Control will continue hearings on Monday, April 4, 1938, at 10 a. m.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Tuesday, April 5, 1938, at 10:30 a. m., to hold hearings on the project for the improvement of the Delaware River between Philadelphia and the sea.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of Mr. MALONEY's subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, April 5, 1938. Business to be considered: Continuation of hearing on S. 1261—through routes.

There will be a meeting of Mr. BULWINKLE's subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, April 5, 1938. Business to be considered: Hearings on H. R. 9073—to extend services of the Cape Fear River.

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, April 12, 1938. Business to be considered: Hearing on H. R. 9047—control of venereal diseases, and other kindred bills.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Merchant Marine and Fisheries Committee will hold hearings at 10 a. m. in room 219, House Office Building, on the following bills on the dates indicated:

Tuesday, April 5, 1938:

S. 2580. To amend existing laws so as to promote safety at sea by requiring the proper design, construction, maintenance, inspection, and operation of ships; to give effect to the Convention for Promoting Safety of Life at Sea, 1929; and for other purposes.

Tuesday, April 12, 1938:

H. R. 6797. To provide for the establishment, operation, and maintenance of one or more fish-cultural stations in each of the States of Oregon, Washington, and Idaho.

H. R. 8956. To provide for the conservation of the fishery resources of the Columbia River; establishment, operation, and maintenance of one or more stations in Oregon, Washington, and Idaho; and for the conduct of necessary investigations, surveys, stream improvements, and stocking operations for these purposes.

S. 2307. To provide for the conservation of the fishery resources of the Columbia River; establishment, operation, and maintenance of one or more stations in Oregon, Washington, and Idaho; and for the conduct of necessary investigations, surveys, stream improvements, and stocking operations for these purposes.

Thursday, April 14, 1938:

H. R. 8533. To amend section 4370 of the Revised Statutes of the United States (U. S. C., 1934 ed., title 46, sec. 316).

Tuesday, April 19, 1938:

H. R. 5629. To exempt motorboats less than 21 feet in length not carrying passengers for hire from the act of June 9, 1910, regulating the equipment of motorboats.

H. R. 7089. To require examinations for issuance of motorboat operators' licenses.

H. R. 8839. To amend laws for preventing collisions of vessels, to regulate equipment of motorboats on the navigable waters of the United States, to regulate inspection and manning of certain motorboats which are not used exclusively for pleasure and those which are not engaged exclusively in the fisheries on inland waters of the United States, and for other purposes.

COMMITTEE ON THE POST OFFICE AND POST ROADS

There will be a hearing before Subcommittee No. 1 of the Committee on the Post Office and Post Roads at 10 a. m. Wednesday, April 6, 1938, on bills in behalf of custodial employees in the Postal Service. Room 213, House Office Building.

EXECUTIVE COMMUNICATIONS, ETC.

1207. Under clause 2 of rule XXIV a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Federal Power Commission for the fiscal year 1939, amounting to \$300,000 (H. Doc. No. 566), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. McLAUGHLIN: Committee on the Judiciary. House Joint Resolution 622. Joint resolution authorizing the President of the United States of America to proclaim October 11, 1938, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; without amendment (Rept. No. 2072). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SCHULTE: Committee on Immigration and Naturalization. H. R. 8419. A bill for the relief of Yankiel Owsianka, alias Jack Singer; without amendment (Rept. No. 2073). Referred to the Committee of the Whole House.

Mr. SCHULTE: Committee on Immigration and Naturalization. H. R. 8481. A bill for the relief of Oskar Herlins; without amendment (Rept. No. 2074). Referred to the Committee of the Whole House.

Mr. SCHULTE: Committee on Immigration and Naturalization. H. R. 8746. A bill for the relief of Cesare Guglielmo Leopoldo Torrelli; without amendment (Rept. No. 2075). Referred to the Committee of the Whole House.

Mr. SCHULTE: Committee on Immigration and Naturalization. H. R. 9322. A bill for the relief of Santa Tedesco; without amendment (Rept. No. 2076). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BUCKLER of Minnesota: A bill (H. R. 10124) to provide funds for construction and equipment of a day-school building at Ponemah on the Red Lake Indian Reservation, Minn.; to the Committee on Indian Affairs.

By Mr. IZAC: A bill (H. R. 10125) to add to the Cleveland National Forest, Calif., certain contiguous lands of the United States which can be most effectively and economically protected and administered as parts of said national forest; to the Committee on the Public Lands.

By Mr. DEMPSEY: A bill (H. R. 10126) to amend section 2139 of the Revised Statutes, as amended; to the Committee on Indian Affairs.

By Mr. CROSSER: A bill (H. R. 10127) to regulate interstate commerce by establishing an unemployment-insurance system for individuals employed by certain employers engaged in interstate commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SANDERS: A bill (H. R. 10128) to provide for tariff equalization on the manufacturing of cotton and synthetic fibers; to the Committee on Ways and Means.

By Mr. LAMBERTSON: A bill (H. R. 10129) to amend section 4915 of the Revised Statutes relating to bills in equity to obtain patents; to the Committee on Patents.

By Mr. SIROVICH: Resolution (H. Res. 457) calling on the Merchant Marine and Fisheries Committee to appoint a subcommittee to investigate alleged unsatisfactory conditions in merchant marine; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN of Delaware: A bill (H. R. 10130) for the relief of John S. Wingate; to the Committee on Claims.

By Mr. ASHBROOK: A bill (H. R. 10131) granting an increase of pension to Annie K. McIntyre; to the Committee on Invalid Pensions.

By Mr. BERNARD: A bill (H. R. 10132) for the relief of Sigvard C. Foro; to the Committee on Claims.

By Mr. CARLSON: A bill (H. R. 10133) granting an increase of pension to George Taylor Lee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10134) granting an increase of pension to Milton Lee; to the Committee on Invalid Pensions.

By Mr. McCORMACK: A bill (H. R. 10135) for the relief of James Philip Coyle; to the Committee on Naval Affairs.

By Mr. McKEOUGH: A bill (H. R. 10136) for the relief of John Patrick Toth; to the Committee on Immigration and Naturalization.

By Mr. PETERSON of Florida: A bill (H. R. 10137) to authorize a determination of the right of Col. Linwood M.

Gable to the award of the Distinguished Service Cross; to the Committee on Military Affairs.

By Mr. SHEPPARD: A bill (H. R. 10138) for the relief of James Richard Barnes; to the Committee on Naval Affairs.

Also, a bill (H. R. 10139) for the relief of Hilbert R. Hall; to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES

SATURDAY, APRIL 2, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, at the opening of this session we pause in recognition of Thy merciful fatherhood and to pay tribute to Thy sacred name. O Lord God, in the name of the Master, we humbly and devoutly pray for wisdom and understanding. We most earnestly entreat Thee to enrich our hearts with His spirit. The very essence of His holy character was love. In Him was no guile; poise and self-mastery were the crowns of His being. Hear us for His name's sake.

Our Father which art in heaven, hallowed be Thy name, Thy kingdom come, Thy will be done in earth as it is in heaven. Give us this day our daily bread and forgive us our trespasses as we forgive those who trespass against us, and lead us not into temptation but deliver us from evil, for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 8654. An act to amend the act entitled "An act authorizing the Secretary of the Treasury to convey to the city of Wilmington, N. C., Marine Hospital Reservation," being chapter 93, United States Statutes at Large, volume 42, part 1, page 1260, approved February 17, 1923;

H. R. 8714. An act authorizing the State of Maryland, by and through its State roads commission or the successors of said commission, to construct, maintain, and operate certain bridges across streams, rivers, and navigable waters which are wholly or partly within the State; and

H. R. 9418. An act to amend an act entitled "An act authorizing the Secretary of the Treasury to convey to the Board of Education of New Hanover County, N. C., portion of marine-hospital reservation not needed for marine-hospital purposes," approved July 10, 1912 (37 Stat. 191).

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 8099. An act to amend certain administrative provisions of the Tariff Act of 1930, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3735. An act to amend section 5d of the Reconstruction Finance Corporation Act, as amended, to authorize loans to public agencies, to provide credit facilities for business enterprises, and for other purposes.

EXTENSION OF REMARKS

Mr. FORD of Mississippi. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a couple of tables showing electrical power rates in cities and towns in my district.

There was no objection.

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to have printed in the RECORD at this point, the T. V. A. resolution as finally adopted by Congress.

The SPEAKER. Is there objection?
There was no objection.

Joint resolution (S. J. Res. 277) creating a special joint congressional committee to make an investigation of the Tennessee Valley Authority.

Resolved, etc., That for the purpose of obtaining information as a basis for legislation there is hereby created a special joint congressional committee to be composed of five Senators to be appointed by the President of the Senate and five Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. A vacancy on the joint committee shall be filled in the same manner as original appointments and shall not affect the power of the remaining members to execute the functions incumbent on the joint committee.

Sec. 2. It shall be the duty of the joint committee to make a full and complete investigation of the administration of the Tennessee Valley Authority Act of 1933, as amended, including the following, but not excluding any other matters pertaining to the administration and policies:

(a) The efficient and economical administration of the act as amended by the Board of Directors of the Tennessee Valley Authority and any of its subordinates.

(a) (2) The total Federal sums appropriated by the Congress or allocated by the President to the Muscle Shoals project and the Tennessee Valley Authority, and also allocations made to power, navigation, flood control or otherwise, and the cost charged to power recoverable to the Treasury of the United States.

(b) Any interference or handicaps placed in the way of the prompt, efficient, and economical administration of its functions by internal dissension among members of the Board of Directors of the Tennessee Valley Authority and what effect such dissension, if any, has had upon the work of the Authority.

(c) Whether any member of said Board has held office or is holding office in violation of the act creating the Tennessee Valley Authority; and whether any member of said Board has aided or assisted directly or indirectly any private power company or other private interest in the institution or defense of suits and injunctions affecting the administration of the functions of the Tennessee Valley Authority.

(d) Whether, and if so, what suits have been instigated by any private power company or other private interest seeking injunctions against the activities of the Board; and what effect, if any, such injunctions or suits have had upon the administration of the act according to its terms; what disposition has been made of any such injunction suits and what has been the expense incurred by the Tennessee Valley Authority in defending them; what disposition has been made of such suits in any superior court to which they have been appealed; and what, if any, has been the loss of revenue to the Authority on account of such suits.

(e) Whether any financial loss has been caused to municipalities or farm organizations by preventing their purchase of electric power from the Tennessee Valley Authority.

(f) What has been the effect, if any, upon the personnel and organization perfected by the Board under said act by the prosecution of such injunction suits or by the action of any member of the Board in giving aid or assistance to any private power company or other private interest in connection therewith.

(g) What activities there have been, if any, on the part of any private power company or other private interest in attempting by the expenditure of money or otherwise, the institution of legal proceedings, or other means or methods, to affect the action or decisions of municipalities or farm organizations in the Tennessee Valley Authority with respect to the purchase of electric power from the Authority.

(h) What efforts, if any, have been made by private power companies or other private interests to affect the decisions or actions of municipalities or farm organizations with respect to the purchase of power from the Authority or acquiring title to their distributing systems.

(i) Whether and to what extent, if any, have the public interests been injured or jeopardized by the activities of any private power companies or other private interest in attempting to prevent the Board from executing the provisions of said act.

(j) Whether or not said Authority has complied with that part of subsection (a) of section 8 of such act, as amended, which requires that the principal office of the Authority be maintained in the immediate vicinity of Muscle Shoals, Ala.

(k) Whether the charges made by Chairman Arthur E. Morgan that an attempt to defraud the Government of the United States has been made in connection with purchase of certain lands are true; whether the affairs of the Authority had been conducted in a clandestine manner frequently without the knowledge or presence of the Chairman; whether by action of the majority members the Chairman has not had opportunity to present his views before congressional committees.

(l) Whether the Tennessee Valley Authority has exhibited partiality to large corporations by supplying power at a cheaper rate than available to municipalities and corporations, by contracting for long periods of time a large majority of available hydroelectric power and by including in such industrial contracts provisions tantamount to a secret rebate in that delivery of "secondary" power is provided during the season of the year when only "firm" power is available from Tennessee Valley Authority dams.